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JOHN DOE 20, et al.

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

JOHN DOE 20, an Individual JOHN DOE 21,
an Individual; JOHN DOE 22, an Individual;
JOHN DOE 23, an Individual; JOHN DOE 24,
an Individual; JOHN DOE 25, an Individual;
JOHN DOE 26, an Individual; JOHN DOE 27,
an Individual; JOHN DOE 28, an Individual;
JOHN DOE 29, an Individual; JOHN DOE 30,
an Individual; JOHN DOE 31, an Individual;
JOHN DOE 32, an Individual; JOHN DOE 33,
an Individual; JOHN DOE 34, an Individual;
JOHN DOE 35, an Individual; JOHN DOE 36,
an Individual; and JOHN DOE 37, an
Individual,

Plaintiffs,

v.

UNIVERSITY OF SOUTHERN
CALIFORNIA, a California Corporation;
DENNIS A. KELLY, M.D., an Individual; and
DOES 1 through 100, inclusive,

Defendants.

Case No: **19STCV15551**

COMPLAINT FOR DAMAGES

1. SEXUAL BATTERY (Civil Code § 1708.5);
2. BATTERY;
3. GENDER VIOLENCE (Civil Code Section 52.4);
4. SEXUAL HARASSMENT (Civil Code Section 51.9);
5. VIOLATION OF THE UNRUH ACT (Civil Code Section 51);
6. VIOLATION OF THE BANE ACT (Civil Code Section 52.1);
7. SEXUAL ABUSE AND DISCRIMINATION IN AN EDUCATIONAL SETTING (Education Code Section 220);
8. NEGLIGENT HIRING AND RETENTION;
9. NEGLIGENT SUPERVISION;
10. FRAUDULENT MISREPRESENTATION;
11. FRAUDULENT CONCEALMENT;
12. NEGLIGENT MISREPRESENTATION

13. INTENTIONAL INFLICTION
OF EMOTIONAL DISTRESS;
14. NEGLIGENCE; and
15. UNFAIR BUSINESS
PRACTICES (Business and
Professions Code Section 17200,
et seq.);

Plaintiffs JOHN DOE 20, JOHN DOE 21, JOHN DOE 22, JOHN DOE 23, JOHN DOE
24, JOHN DOE 25, JOHN DOE 26, JOHN DOE 27, JOHN DOE 28, JOHN DOE 29, JOHN DOE
30, JOHN DOE 31, JOHN DOE 32, JOHN DOE 33, JOHN DOE 34, JOHN DOE 35, JOHN DOE
36, and JOHN DOE 37 (hereinafter, "Plaintiffs") for causes of action against Defendants
UNIVERSITY OF SOUTHERN CALIFORNIA (hereinafter, "USC"), DENNIS A. KELLY, M.D.
(hereinafter, "Dr. Kelly") and DOES 1 through 100, inclusive, (hereinafter collectively referred to
as "Defendants") hereby allege as follows:

INTRODUCTION

1. This action arises from the discrimination, sexual assault, battery, and abuse of 18
additional young gay and bisexual men, and men whose sexual partners were men, while they
were students at the University of Southern California in Los Angeles, California. Dr. Dennis A.
Kelly, the only full-time men's sexual health doctor on staff at USC's Student Health Center, used
his position of trust, authority, and power to sexually abuse, harass, and molest Plaintiffs and
discriminate against them based on their sexual orientation and/or gender. Dr. Kelly's conduct
included, but was not limited to: shaming, humiliating, and judging Plaintiffs for engaging in
sexual acts with men; questioning Plaintiffs' sexual history using demeaning and derogatory
terms, including whether Plaintiffs gave "rim jobs," "ate ass," "deep throated," "doggy-style," and
"sucked dick"; demanding Plaintiffs remove their pants and underwear in front of Dr. Kelly while
he refused to leave the room or provide Plaintiffs with privacy; directing Plaintiffs to climb onto
the medical examination table and get on their hands and knees while they were naked from the

1 waist down without any standard medical covering, drapery, or robe for privacy; refusing to
2 provide Plaintiffs with a standard medical covering, drapery, or a robe for privacy during
3 examinations despite Plaintiffs' requests; making inappropriate comments to Plaintiffs during
4 consultations or examinations regarding their physical appearance or sexual practices; insisting on
5 performing unnecessary "genital examinations" on Plaintiffs; failing to provide explanations for
6 the purpose or reason behind performing "genital examinations" on Plaintiffs; failing to answer
7 Plaintiffs' questions regarding the purpose or reason behind performing "genital examinations" on
8 Plaintiffs; insisting on performing unnecessary "rectal examinations" on Plaintiffs; failing to
9 provide explanations for the purpose or reason behind performing "rectal examinations" on
10 Plaintiffs; failing to answer Plaintiffs' questions regarding the purpose or reason behind
11 performing "rectal examinations" on Plaintiffs; failing to provide explanations for the purpose or
12 reason behind performing "prostate examinations" on Plaintiffs; penetrating Plaintiffs' anuses
13 with his finger(s) and/or medical devices without telling Plaintiffs what he was doing during the
14 examination; and penetrating Plaintiffs' anuses with his finger(s) and/or medical devices without
15 any legitimate medical purpose and for no other reason than to satisfy his own prurient sexual
16 desires and/or to shame, humiliate, and embarrass Plaintiffs as a result of their sexual orientation
17 and sexual practices.

18 2. Plaintiffs are informed and believe and thereon allege that Dr. Kelly was targeting
19 the gay and bisexual male student population – all of whom were young adults and some of whom
20 were visiting the doctor without a parent for the first time – by subjecting them to intrusive and
21 medically unnecessary "rectal examinations." Dr. Kelly did not treat men he knew to be
22 heterosexual or men who were not interested in men in a similar manner and did not penetrate
23 their anuses or perform rectal examinations. Because Dr. Kelly was the only men's sexual health
24 doctor at USC, Plaintiffs were forced to receive medical treatment from him for any concern
25 related to their sexual health which continuously subjected Plaintiffs to Dr. Kelly's abusive and
26 discriminatory conduct. Defendant USC entrusted the Plaintiffs' safety and care to Dr. Kelly.
27 Despite receiving repeated complaints regarding Dr. Kelly's misconduct, USC actively and
28 deliberately failed to investigate, discipline, or address Dr. Kelly's sexually abusive and

1 discriminatory behavior and instead, continued to employ Dr. Kelly for years, allowing him
2 unencumbered access to sexually abuse, harass, and discriminate against Plaintiffs and other male
3 gay and bisexual USC students in his care.

4 **GENERAL ALLEGATIONS**

5 3. Plaintiffs John Doe 20, John Doe 21, John Doe 22, John Doe 23, John Doe 24, John
6 Doe 25, John Doe 26, John Doe 27, John Doe 28, John Doe 29, John Doe 30, John Doe 31, John
7 Doe 32, John Doe 33, John Doe 34, John Doe 35, John Doe 36, and John Doe 37 at all relevant
8 times herein, resided in the County of Los Angeles, State of California.

9 4. Plaintiffs are informed and believe and thereon allege that Defendant University of
10 Southern California is, and at all times relevant herein was, a California Corporation, having its
11 principal place of business in the County of Los Angeles, State of California, and was doing
12 substantial business in the County of Los Angeles, State of California.

13 5. Plaintiffs are informed and believe and thereon allege that Defendant Dennis A.
14 Kelly, M.D., at all times relevant herein, was and is an adult male individual over the age of 18
15 who resides in the County of Los Angeles, State of California.

16 6. Plaintiffs are ignorant of the true names and capacities of defendants sued herein as
17 Does 1 through 100, inclusive, and therefore sue these defendants by these fictitious names.
18 Plaintiffs will amend this Complaint to allege the true names and capacities of these defendants
19 when ascertained. Plaintiffs are informed and believe and thereon allege that each of the
20 fictitiously named defendants are responsible in some manner for the occurrences alleged in this
21 Complaint, and that Plaintiffs' damages alleged in this Complaint were proximately caused by
22 those defendants.

23 7. Plaintiffs are informed and believe and thereon allege that at all relevant times
24 herein, Defendants and each of them, in addition to acting for himself, herself, or itself and on his,
25 her, or its own behalf individually, is and was acting as the principal, agent, partner, joint venturer,
26 officer, director, controlling shareholder, subsidiary, affiliate, parent corporation, successor in
27 interest, predecessor in interest, servant, employee and/or representative of, and with the
28

1 knowledge, consent, and permission of, and in conspiracy with, each and all of the Defendants and
2 within the course, scope, and authority of those relationships.

3 8. Plaintiffs are further informed and believe and thereon allege that each Defendant
4 acted pursuant to and within the scope of the relationships alleged above, and that each Defendant
5 knew or should have known about and authorized, ratified, adopted, approved, controlled, and
6 aided and abetted the conduct of all other Defendants.

7 **JURISDICTION AND VENUE**

8 9. At all times relevant herein, all Plaintiffs resided in the County of Los Angeles.
9 Plaintiffs are informed and believe and thereon allege that all Defendants reside in the County of
10 Los Angeles. The conduct described herein was committed in the County of Los Angeles.

11 **JOHN DOE 20**

12 10. Plaintiff John Doe 20 is a male who was born in 1987 and who currently resides in
13 Illinois. At the time of his visits with Dr. Kelly, Plaintiff John Doe 20 was a graduate student at
14 USC.

15 11. In or around November 2012, in order to obtain a male sexual health examination
16 as part of an ordinary medical health regimen, including testing for sexually transmitted diseases,
17 Plaintiff John Doe 20 made an appointment with USC's Student Health Center. USC scheduled
18 John Doe 20 with the only male sexual health doctor on staff at USC's Student Health Center, Dr.
19 Kelly.

20 12. Plaintiff John Doe 20 went to his appointment and was taken by USC staff to Dr.
21 Kelly's private office. Dr. Kelly began asking Plaintiff John Doe 20 a series of invasive and
22 uncomfortable questions regarding his sexual history and experiences, including whether he had
23 sex with men, how many male sexual partners he had in his lifetime, how many male sexual
24 partners he had in the past year, how many male sexual partners he had in the past week, what
25 kind of sexual activities he had engaged in, whether he consumed pornography, what form of
26 pornography he consumed, how much pornography he consumes, and whether he used sex toys.
27 Plaintiff John Doe 20 answered Dr. Kelly's questions and informed Dr. Kelly that he had a
28 husband but that they were in an open relationship. During his questioning, Dr. Kelly made the

1 offensive and shaming comment, “Wow. That is the highest number of sexual partners of any of
2 my other patients.” Dr. Kelly asked how John Doe 20 met men, including whether he used dating
3 apps. When Plaintiff John Doe 20 said that he had used dating apps, Dr. Kelly was not satisfied
4 and said, “I need to know which ones.” Throughout Dr. Kelly’s questioning, he was
5 condescending and judgmental, making Plaintiff John Doe 20 feel uncomfortable and shamed.
6 Plaintiff is informed and believes and thereon alleges that Dr. Kelly’s questioning and
7 commentary were designed to shame, humiliate, and control John Doe 20 so that he would be
8 silenced and so that Dr. Kelly could continue the sexual abuse and discrimination of young gay
9 and bisexual males at USC without restraint.

10 13. Despite Plaintiff John Doe 20’s lack of symptoms, Dr. Kelly instructed John Doe
11 20 to follow him back to his exam room for a physical examination, including a prostate
12 examination and a rectal examination. Dr. Kelly then led John Doe 20 to an examination room so
13 that it was just John Doe 20 and Dr. Kelly in the room. Dr. Kelly then instructed Plaintiff John
14 Doe 20 to undress from the waist down. Dr. Kelly did not leave the room or turn around while
15 John Doe 20 undressed. Dr. Kelly did not provide Plaintiff John Doe 20 with any sort of standard
16 medical modesty covering, such as a robe or lap draping, making John Doe 20 feel exposed and
17 uncomfortable. Dr. Kelly stood in front of John Doe 20 as he undressed.

18 14. Without saying a word about the details of the examination, the process, or what to
19 expect, Dr. Kelly began using his hands to inspect John Doe 20’s penis and testicles, looking at his
20 genitalia for a prolonged period of time. Dr. Kelly remarked about the fact that John Doe 20 was
21 uncircumcised. He felt around John Doe 20’s testicles and pulled back John Doe 20’s foreskin.
22 Dr. Kelly did not swab John Doe 20’s genitals or take any sample.

23 15. Dr. Kelly then informed John Doe 20 that he would be conducting a prostate
24 examination and a rectal examination with an anoscope. John Doe 20, who was approximately 25
25 at the time and had never had a prostate exam during any of his previous screenings, thought it
26 was odd that Dr. Kelly wanted to conduct a prostate examination. Dr. Kelly told John Doe 20 to
27 turn around and get on top of the examination table “on all fours” with his arms down by his side.
28 As John Doe 20 was on his chest and knees on the medical examination table facing the wall and

1 with his buttocks in the air facing Dr. Kelly, undressed from the waist down, Plaintiff John Doe 20
2 felt Dr. Kelly insert his finger into his anus and felt around and pressing on his prostate for 45
3 seconds to a minute. John Doe 20 then suddenly felt a medical device inserted into his rectum.
4 John Doe 20 could feel Dr. Kelly looking around for a while, and then, while the anoscope was
5 still in his rectum, felt Dr. Kelly insert a swab far into his rectum, which was much deeper than a
6 swab had ever needed to be inserted during any of his previous STI screenings.

7 16. The physical examination continued for several minutes. During the examination,
8 Dr. Kelly was silent as Plaintiff John Doe 20 was splayed on his hands and knees without any
9 drapery or covering, feeling exposed, humiliated, and distressed. Although he did not realize it at
10 the time, Plaintiff John Doe 20 now knows that Dr. Kelly was not providing legitimate medical
11 treatment to him but was instead sexually abusing him to further his own prurient desires and/or to
12 discriminate, shame, humiliate, and embarrass him as a result of his sexual orientation and/or
13 gender. Plaintiff John Doe 20 felt uncomfortable after his first visit with Dr. Kelly, so he sent an
14 email to the Student Health Center asking what the process was to file a grievance, but never
15 received a response. He decided he would seek routine STI screenings from the Los Angeles
16 LGBT Center.

17 17. Plaintiff John Doe 20 was forced to visit Dr. Kelly on multiple other occasions
18 during his time as a graduate student from 2012 to 2018 for sexual health checkups. During each
19 occasion, Dr. Kelly condemned Plaintiff John Doe 20's sexual behavior, made him feel ashamed
20 for his actions, and caused him to feel unsafe and bad about himself. During one visit when Dr.
21 Kelly informed Plaintiff John Doe 20 that he had tested positive for an STD by saying, "As I'm
22 sure you know, you got it." During other visits Dr. Kelly conducted similar invasive rectal
23 examinations, even freezing off what Dr. Kelly described as a skin tag without asking Plaintiff
24 John Doe 20 whether he wanted him to. In or around Spring 2014, Plaintiff John Doe 20 received
25 a link from the Student Health Center requesting that Plaintiff John Doe 20 complete an online
26 survey about his experience. Plaintiff John Doe 20 voiced his complaints about Dr. Kelly, but
27 received no response or follow up.

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19. It was only after allegations regarding Dr. Kelly's sexual misconduct and discrimination became public in or around February 2019 that Plaintiff John Doe realized that Dr. Kelly's treatment of him was not for a legitimate medical purpose, but was rather sexual abuse committed to discriminate against him based on his sexual orientation and/or gender and/or for Dr. Kelly's own sexual gratification.

14 | JOHN DOE 21

15 20. Plaintiff John Doe 21 is a male who was born in 1988 and who currently resides in
16 Mississippi. Plaintiff John Doe 21 was a graduate student at USC from 2010 to 2011.

21. In or around June 2011, in order to obtain a male sexual health examination as part of an ordinary medical health regimen, including testing for sexually transmitted diseases, Plaintiff John Doe 21 made an appointment with USC's Student Health Center. USC scheduled John Doe 21 with the only male sexual health doctor on staff at USC's Student Health Center, Dr. Kelly. Plaintiff John Doe 21's had never had a sexual health examination before and had not yet come out as gay to his friends and family.

22. Plaintiff John Doe 21 went to his appointment and was taken by USC staff to Dr. Kelly's private office. When Plaintiff John Doe 21 told Dr. Kelly that he had been engaged in sexual activity with men, Dr. Kelly remarked, "Oh my god" and his entire tone changed. Dr. Kelly began asking Plaintiff John Doe 21 a series of invasive and uncomfortable regarding his sexual history and experiences, including how many male sexual partners he had, whether he used sex toys, whether he had ever been paid for sex, how often he watched pornography, and whether

1 he “topped or bottomed.” When John Doe 21 responded that he had done both, Dr. Kelly
2 responded, “Oh my goodness.” Dr. Kelly asked John Doe whether he used condoms, to which
3 John Doe 21 responded that he usually did but that he had unprotected sex once. Dr. Kelly
4 responded, “I can’t believe you did that.” Dr. Kelly then asked how John Doe 21 met men,
5 including whether he met men on dating apps, John Doe 21 said he did. Dr. Kelly’s face looked
6 horrified and said, “Oh my god, we have to get you tested right now.” Throughout Dr. Kelly’s
7 questioning, he was condescending and judgmental, making Plaintiff John Doe 21 feel
8 uncomfortable and unsafe. Plaintiff is informed and believes and thereon alleges that Dr. Kelly’s
9 questioning and commentary were designed to scare, shame, humiliate, and control John Doe 21
10 so that he would be silenced and so that Dr. Kelly could continue the sexual abuse and
11 discrimination of young gay and bisexual males at USC without restraint.

12 23. Despite Plaintiff John Doe 21’s lack of symptoms or concerns, Dr. Kelly insisted
13 that John Doe 21 have a physical examination, including a rectal exam. Dr. Kelly then led John
14 Doe 21 to an examination room so that it was just John Doe 21 and Dr. Kelly in the room. Dr.
15 Kelly then instructed Plaintiff John Doe 21 to undress from the waist down. Dr. Kelly did not
16 leave the room or turn around while John Doe 21 undressed. Dr. Kelly did not provide Plaintiff
17 John Doe 21 with any sort of standard medical modesty covering, such as a robe or lap draping,
18 making John Doe 21 feel exposed and uncomfortable.

19 24. Without saying a word about the details of the examination, the process, or what to
20 expect, Dr. Kelly began using his hands, feeling John Doe 21’s penis and scrotum with his fingers,
21 and looking at his genitalia for a prolonged period of time, making John Doe 21 extremely
22 uncomfortable and distressed.

23 25. Dr. Kelly then instructed John Doe 21 to get on the examination table “on all
24 fours.” Thinking this was an odd position, John Doe 21 asked, “On all fours?” To which Dr.
25 Kelly responded, “Yes.” As John Doe 21 was on his hands and knees on the medical examination
26 table facing away from Dr. Kelly and undressed from the waist down, without any warning,
27 Plaintiff John Doe 21 felt Dr. Kelly using both of his hands to spread John Doe 21’s buttocks
28 apart, and look at his anus. He then said, “Oh my god!” John Doe 21 asked, “What?” To which

1 Dr. Kelly responded, "You have anal warts." He then suddenly felt a sharp pain as a swab was
2 inserted into his rectum without warning. John Doe 21 was shocked and confused because,
3 although he did not tell Dr. Kelly, he never had unprotected receptive anal sex.

4 26. Dr. Kelly then told John Doe 21 that he needed to treat John Doe 21 immediately
5 by freezing the warts. John Doe 21 did not feel he had a choice given Dr. Kelly's insistence, and
6 Dr. Kelly proceeded with the treatment, which was painful and long.

7 27. The physical examination and purported treatment continued for approximately
8 fifteen to twenty minutes. Although he did not realize it at the time, Plaintiff John Doe 21 now
9 knows that Dr. Kelly was not providing legitimate medical treatment to him but was instead
10 sexually abusing him to further his own prurient desires and/or to discriminate, shame, humiliate,
11 and embarrass him as a result of his sexual orientation and/or gender. The examination and
12 treatment were so painful that they caused Plaintiff John Doe 21 to bleed and experience pain for
13 several days.

14 28. Plaintiff John Doe 21 was scheduled to return for follow up visits with Dr. Kelly
15 for purported continued treatment for anal warts, but uncomfortable with the way the treatment
16 and exams were conducted, Plaintiff John Doe 21 decided not to proceed with Dr. Kelly and
17 instead to seek treatment from the Los Angeles LGBT Center. Plaintiff John Doe 21 informed his
18 treater at the LGBT center that Dr. Kelly diagnosed him with anal warts from HPV and that Dr.
19 Kelly had conducted treatment on him. Plaintiff John Doe 21's treater at the LGBT Center
20 conducted a rectal examination on John Doe 21, which was conducted completely differently from
21 how Dr. Kelly conducted his exam. The LGBT Center gave him a robe and left the room to
22 undress, and the examination was conducted on his side rather than all fours with his bare buttocks
23 in the air on top of an examination table. Upon examination, Plaintiff John Doe 21's treater at the
24 LGBT Center informed John Doe 21 that he did not demonstrate anything indicating he had any
25 form of HPV or warts but that he did have some hemorrhoid scarring from hemorrhoids that pre-
26 dated his appointment with Dr. Kelly. The LGBT Center also conducted an STI screening of
27 Plaintiff John Doe 21, the results of which were negative.

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31. It was only in or around July of 2018, after the Los Angeles Times published an article exposing USC's gynecologist George Tyndall of rampant sexual abuse of female students for decades at USC, and USC's knowledge and concealment of such abuse, that Plaintiff John Doe 21 realized, for the first time, that Dr. Kelly's actions were not for a legitimate medical purpose, but rather committed to discriminate against him based on his sexual orientation and/or gender and/or were purely motivated by Dr. Kelly's own prurient desires and sexual gratification.

32. Plaintiff John Doe 22 is a male over the age of 18 and who currently resides in Los Angeles County, California. At the time of his visit with Dr. Kelly, Plaintiff John Doe 22 was an undergraduate student at USC from 2015 to 2018.

34. Plaintiff John Doe 22 went to his appointment and was taken by USC staff to Dr. Kelly's private office. Dr. Kelly began asking Plaintiff John Doe 22 a series of invasive and uncomfortable questions regarding his sexual history and experiences, including whether he had

1 sex with men, how many female sexual partners he had, how many male sexual partners he had,
2 whether he used sex toys, whether he had ever used a “butt plug,” and how he met men, including
3 whether he met men on dating apps like “Tinder” saying not to use those apps because there were
4 people on them with diseases. During his questioning, Dr. Kelly used unprofessional language,
5 including using the word “pussy” and “asshole” instead of the medical names for these body parts.
6 John Doe 22 informed Dr. Kelly that he was in a monogamous relationship with a man.
7 Throughout Dr. Kelly’s questioning, he was condescending and judgmental, making Plaintiff John
8 Doe 22 feel uncomfortable and unsafe. Plaintiff is informed and believes and thereon alleges that
9 Dr. Kelly’s questioning and commentary were designed to shame, humiliate, and control John Doe
10 22 so that he would be silenced and so that Dr. Kelly could continue the sexual abuse and
11 discrimination of young gay and bisexual males at USC without restraint.

12 35. Despite Plaintiff John Doe 22’s lack of symptoms and the fact that John Doe 22
13 was in a monogamous relationship, Dr. Kelly insisted that John Doe 22 have a rectal examination.
14 John Doe 22 was alarmed since he was only seeking routine STD testing. Dr. Kelly then led John
15 Doe 22 to an examination room so that it was just John Doe 22 and Dr. Kelly in the room. Dr.
16 Kelly then instructed Plaintiff John Doe 22 to pull down his pants and underwear and climb onto
17 the examination table on his hands and knees. Dr. Kelly did not leave the room or turn around
18 while John Doe 22 undressed. Dr. Kelly did not provide Plaintiff John Doe 22 with any sort of
19 standard medical modesty covering, such as a robe or lap draping, making John Doe 22 feel
20 exposed and uncomfortable.

21 36. Without saying a word about the details of the examination, the process, or what to
22 expect, as John Doe 22 was on his hands and knees on the medical examination table undressed
23 from the waist down, Plaintiff John Doe 22 felt Dr. Kelly looking at his rectum and then suddenly
24 felt a sharp pain as a swab was inserted into his rectum without warning. Dr. Kelly left the swab
25 in Plaintiff John Doe 22’s rectum for approximately one minute without explaining why.

26 37. The physical examination continued for several minutes, and at no time did Dr.
27 Kelly explain what he was doing. During the examination, Dr. Kelly was silent as Plaintiff John
28 Doe 22 was splayed on his hands and knees without any drapery or covering, feeling exposed,

1 humiliated, and distressed. Although he did not realize it at the time, Plaintiff John Doe 22 now
2 knows that Dr. Kelly was not providing legitimate medical treatment to him but was instead
3 sexually abusing him to further his own prurient desires and/or to discriminate, shame, humiliate,
4 and embarrass him as a result of his sexual orientation and/or gender. Plaintiff John Doe 22 left
5 Dr. Kelly's exam in tears.

6 38. Although Dr. Kelly's purported "medical examination" caused John Doe 22 to
7 suffer embarrassment, humiliation, shame, pain, and discomfort, and in reasonable reliance upon
8 Defendant USC's active concealment of its knowledge that Dr. Kelly was a sexual predator and
9 discriminated against men on the basis of their sexual orientation and/or gender, Plaintiff John
10 Doe 22 trusted that Dr. Kelly was in fact conducting a legitimate medical procedure due to his
11 position of authority as a physician employed by Defendant USC. Moreover, John Doe 22 had no
12 choice but to receive care from Dr. Kelly, as he was the only full-time men's sexual health
13 physician at Defendant USC's Student Health Center.

14 39. It was only after allegations regarding Dr. Kelly's sexual misconduct and
15 discrimination became public in or around February 2019 that Plaintiff John Doe 22 realized that
16 Dr. Kelly's treatment of him was not for a legitimate medical purpose, but was rather sexual abuse
17 committed to discriminate against him based on his sexual orientation and/or gender and/or for Dr.
18 Kelly's own sexual gratification.

19 **JOHN DOE 23**

20 40. Plaintiff John Doe 23 is a male who was born in 1970 and who currently resides in
21 San Diego, California. Plaintiff attended graduate school at USC from 1999 to 2006.

22 41. In or around 2003 or 2004, in order to obtain a male sexual health examination as
23 part of an ordinary medical health regimen, including standard testing for sexually transmitted
24 diseases, Plaintiff John Doe 23 made an appointment with USC's Student Health Center. USC
25 scheduled John Doe 23 with the only male sexual health doctor on staff at USC's Student Health
26 Center, Dr. Kelly.

27 42. Plaintiff John Doe 23 went to the USC Student Health Center for his appointment
28 with Dr. Kelly and was taken by USC staff to an examination room. Dr. Kelly entered the room

1 so that it was just John Doe 23 and Dr. Kelly in the room. Dr. Kelly began asking John Doe 23 a
2 series of invasive and uncomfortable questions regarding his sexual history and experiences,
3 including detailed questions about the number of sex partners he had had, how he met them, and
4 what he liked to do with them, including if he was a top or a bottom.

5 43. Throughout Dr. Kelly's questioning, he was condescending and judgmental,
6 making Plaintiff John Doe 23 feel uncomfortable, unsafe, and shamed for his sexual orientation
7 and sexual practices. Plaintiff is informed and believes and thereon alleges that Dr. Kelly's
8 questioning and commentary were designed to shame, humiliate, and control John Doe 23 so that
9 he would be silenced and so that Dr. Kelly could continue the sexual abuse and discrimination of
10 young gay and bisexual males at USC without restraint.

11 44. After Dr. Kelly finished asking Plaintiff John Doe 23 a series of invasive questions,
12 Dr. Kelly informed Plaintiff John Doe 23 that he would be conducting a physical examination,
13 including an examination of his genitals and a rectal examination. Plaintiff was surprised that Dr.
14 Kelly would be conducting a rectal examination, as he had never had such an examination despite
15 receiving similar testing at other facilities.

16 45. Dr. Kelly instructed Plaintiff John Doe 23 to take off his pants and underwear and
17 climb onto the examination table on his hands and knees. Dr. Kelly did not provide Plaintiff John
18 Doe 23 with any sort of standard medical modesty covering, such as a robe or lap draping, making
19 John Doe 23 feel exposed and extremely uncomfortable.

20 46. Without saying a word about the details of the examination, the process, or what to
21 expect, as John Doe 23 was on his hands and knees on the medical examination table undressed
22 from the waist down, Plaintiff John Doe 23 suddenly felt a circular device inserted into his rectum
23 without warning. At no time during the rectal examination did Dr. Kelly explain what he was
24 doing or why he was doing it. During the examination, Dr. Kelly was silent as Plaintiff John Doe
25 23 was splayed on his hands and knees without any drapery or covering, feeling exposed,
26 humiliated, and distressed.

27 47. After the rectal examination, Dr. Kelly conducted a genital examination. While
28 John Doe 23 lay flat on his back, naked from the waist down, Dr. Kelly began examining and

1 touching John Doe 23's genitalia with his hands for a prolonged amount of time. While Dr. Kelly
2 had John Doe 23's genitalia in his hands, he pointed at John Doe 23's penis and said, "What is
3 that?" Plaintiff John Doe 23 looked down at his genitalia and noticed a slight clear discharge from
4 his penis which he had never noticed prior to that moment. Because he had never noticed a
5 discharge before, John Doe 23 remained quiet. When John Doe 23 did not respond, Dr. Kelly
6 again aggressively asked, "What is that?" John Doe 23 remained silent as he had never noticed
7 the clear discharge before, and he did not know what it was. Dr. Kelly then looked at John Doe 23
8 and asked, "Is it pre cum?" Plaintiff John Doe 23 was perplexed at Dr. Kelly's suggestion that he
9 was aroused by the examination, and he did not know how to respond. Plaintiff John Doe 23
10 immediately felt shamed, embarrassed and humiliated by Dr. Kelly's overt sexualization of what
11 was supposed to be a standard medical procedure.

12 48. Plaintiff John Doe 23 was forced to see Dr. Kelly approximately three to four
13 additional times during his time at USC since Dr. Kelly was the only men's sexual health doctor
14 on campus. On each occasion, Dr. Kelly performed an invasive genital examination in a
15 substantially similar manner to Plaintiff John Doe 23's first visit.

16 49. Although Dr. Kelly's purported "medical examination" caused John Doe 23 to
17 suffer embarrassment, humiliation, shame, pain, and discomfort, and in reasonable reliance upon
18 Defendant USC's active concealment of its knowledge that Dr. Kelly was a sexual predator and
19 discriminated against men on the basis of their sexual orientation and/or gender, Plaintiff John
20 Doe 23 trusted that Dr. Kelly was in fact conducting a legitimate medical procedure due to his
21 position of authority as a physician employed by Defendant USC. Moreover, John Doe 23 had no
22 choice but to receive care from Dr. Kelly, as he was the only full-time men's sexual health
23 physician at Defendant USC's Student Health Center.

24 50. It was only after allegations regarding Dr. Kelly's sexual misconduct and
25 discrimination became public in or around February 2019 that Plaintiff John Doe 23 realized that
26 Dr. Kelly's treatment of him was not for a legitimate medical purpose, but was rather sexual abuse
27 committed to discriminate against him based on his sexual orientation and/or gender and/or for Dr.
28 Kelly's own sexual gratification.

JOHN DOE 24

51. Plaintiff John Doe 24 is a male who was born in 1986 and who currently resides in Los Angeles County, California. Plaintiff John Doe 24 was a graduate student at USC from 2015 to 2017.

52. In or around September 2015, in order to obtain an examination and treatment due to a sore throat, Plaintiff John Doe 24 made an appointment with USC's Student Health Center. USC scheduled John Doe 24 with Dr. Kelly.

53. Plaintiff John Doe 24 went to his appointment and filled out an initial survey, which asked questions about his medical and sexual history, in which he indicated that he had engaged in sexual activity with men. He was then taken by USC staff to Dr. Kelly's examination room. Dr. Kelly insisted that John Doe 24 have a physical examination, including a rectal exam. John Doe 24 was confused, but trusted Dr. Kelly and relented. Dr. Kelly then instructed Plaintiff John Doe 24 to undress from the waist down. Dr. Kelly did not leave the room or turn around while John Doe 24 undressed. Dr. Kelly did not provide Plaintiff John Doe 24 with any sort of standard medical modesty covering, such as a robe or lap draping, making John Doe 24 feel exposed and uncomfortable.

54. Without saying a word about the details of the examination, the process, or what to expect, Dr. Kelly began using his hands, feeling John Doe 24's genitals, and then putting his fingers on John Doe 24's genitals and instructing him to cough. Dr. Kelly then paused and felt John Doe 24's penis and scrotum with his fingers and looked at his genitalia for a prolonged period of time, making John Doe 24 extremely uncomfortable and distressed.

55. Dr. Kelly then instructed John Doe 24 to get on the examination table "on [his] hands and knees." As John Doe 24 was on his hands and knees on the medical examination table facing away from Dr. Kelly and undressed from the waist down, without any warning, Plaintiff John Doe 24 felt Dr. Kelly insert his lubricated finger into his anus. He then suddenly felt a sharp pain as a medical device and/or swab was inserted into his rectum without warning.

56. The physical examination continued for several minutes, and at no time did Dr. Kelly explain what he was doing. During the examination, Dr. Kelly was silent as Plaintiff John

1 Doe 24 was splayed on his hands and knees without any drapery or covering, feeling exposed,
2 humiliated, and distressed. Although he did not realize it at the time, Plaintiff John Doe 24 now
3 knows that Dr. Kelly was not providing legitimate medical treatment to him but was instead
4 sexually abusing him to further his own prurient desires and/or to discriminate, shame, humiliate,
5 and embarrass him as a result of his sexual orientation and/or gender.

6 57. After the physical examination, Dr. Kelly then led John Doe 24 back to his private
7 office where he began asking Plaintiff John Doe 24 a series of invasive and uncomfortable
8 questions regarding his sexual history and experiences, including how he met men, and whether he
9 met men on dating apps like Grindr. John Doe 24 told Dr. Kelly that he was not using dating apps
10 but that he had used Grindr in the past, to which Dr. Kelly responded, “Well, if you’re going to be
11 doing that...” and proceeded to tell John Doe 24 that he was “promiscuous” and at “high risk.” Dr.
12 Kelly asked John Doe 24 questions about the sexual activities he engaged in using vulgar and
13 inappropriate language, including, “are you eating ass?” and “sucking dick.” Dr. Kelly’s
14 comments and questions made John Doe 24 feel ashamed, embarrassed, and unsafe. Throughout
15 Dr. Kelly’s questioning, he was condescending and judgmental. Plaintiff is informed and
16 believes and thereon alleges that Dr. Kelly’s questioning and commentary were designed to
17 shame, humiliate, and control John Doe 24 so that he would be silenced and so that Dr. Kelly
18 could continue the sexual abuse and discrimination of young gay and bisexual males at USC
19 without restraint.

20 58. Although he did not realize it at the time, Plaintiff John Doe 24 now knows that Dr.
21 Kelly was not conducting a legitimate medical examination but was instead sexually abusing him
22 to further his own prurient desires and/or to discriminate, shame, humiliate, and embarrass him as
23 a result of his sexual orientation and/or gender.

24 59. Although Dr. Kelly’s purported “medical examination” caused John Doe 24 to
25 suffer embarrassment, humiliation, shame, pain, and discomfort, and in reasonable reliance upon
26 Defendant USC’s active concealment of its knowledge that Dr. Kelly was a sexual predator and
27 discriminated against men on the basis of their sexual orientation and/or gender, Plaintiff John
28 Doe 24 trusted that Dr. Kelly was in fact conducting a legitimate medical procedure due to his

1 position of authority as a physician employed by Defendant USC. Moreover, John Doe 24 had no
2 choice but to receive care from Dr. Kelly, as he was the only full-time men's sexual health
3 physician at Defendant USC's Student Health Center.

4 60. It was only after allegations regarding Dr. Kelly's sexual misconduct and
5 discrimination became public in or around February 2019 that Plaintiff John Doe 24 realized that
6 Dr. Kelly's treatment of him was not for a legitimate medical purpose, but was rather sexual abuse
7 committed to discriminate against him based on his sexual orientation and/or gender and/or for Dr.
8 Kelly's own sexual gratification.

9 **JOHN DOE 25**

10 61. Plaintiff John Doe 25 is a male who was born in 1995 and who currently resides in
11 Los Angeles County, California. At the time of filing this Complaint, Plaintiff John Doe 25 is an
12 international student studying to obtain his master's degree at USC.

13 62. In or around December 2017, Plaintiff John Doe 25 was referred to Dr. Kelly by
14 another treater at USC related to symptoms he was experiencing pertaining to his sexual health.
15 Plaintiff John Doe 25 made an appointment with USC's Student Health Center.

16 63. As soon as Dr. Kelly closed the door to the examination room, Plaintiff John Doe
17 25 felt very uncomfortable. Dr. Kelly began asking Plaintiff John Doe 25 a series of invasive and
18 uncomfortable questions regarding his sexual history and experiences, including whether he had
19 sex with men, how many partners he had, whether he used dating apps, whether he was a "top or a
20 bottom," whether he used or shared sex toys, whether he watched porn and if so, how often and
21 the length of time he spent watching it, whether he used condoms, and how he met men.
22 Throughout Dr. Kelly's questioning, he was condescending and judgmental, making Plaintiff John
23 Doe 25 feel uncomfortable, violated, unsafe, and shamed for his sexual orientation and sexual
24 practices. Plaintiff is informed and believes and thereon alleges that Dr. Kelly's questioning and
25 commentary were designed to shame, humiliate, and control Plaintiff John Doe 25 so that he
26 would be silenced and so that Dr. Kelly could continue the sexual abuse and discrimination of
27 young gay and bisexual males at USC without restraint.

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1 64. Dr. Kelly insisted that Plaintiff John Doe 25 have a rectal and genital examination.
2 Dr. Kelly instructed Plaintiff John Doe 25 to pull down his pants and underwear and climb onto
3 the examination table on his hands and knees. Dr. Kelly did not leave the room while Plaintiff
4 John Doe 25 undressed, and Dr. Kelly did not provide Plaintiff John Doe 25 with any sort of
5 standard medical modesty covering, such as a robe or lap draping, making Plaintiff John Doe 25
6 feel exposed and extremely uncomfortable.

7 65. Without saying a word about the details of the examination, the process, or what to
8 expect, as Plaintiff John Doe 25 was on his hands and knees on the medical examination table
9 undressed from the waist down, Plaintiff John Doe 25 felt Dr. Kelly looking at his rectum for a
10 prolonged period of time and then suddenly felt a swab inserted into his rectum without warning.
11 The swab was inserted much deeper than it had been inserted when he had been swabbed
12 previously, and the swab was inserted into his rectum for a prolonged period of time. At no time
13 during the rectal examination did Dr. Kelly explain what he was doing or why he was doing it.
14 During the examination, Dr. Kelly was silent as Plaintiff John Doe 25 was splayed on his hands
15 and knees without any drapery or covering, feeling exposed, humiliated, and distressed.

16 66. After the rectal examination, Dr. Kelly instructed Plaintiff John Doe 25 to turn over
17 and lay flat on his back on the examination table. Once Plaintiff John Doe 25 was on his back, Dr.
18 Kelly began examining and touching Plaintiff John Doe 25's genitalia with his hands for a
19 prolonged amount of time. Dr. Kelly never explained the reason or necessity behind the genital
20 examination, making Plaintiff John Doe 25 feel extremely unnerved and uncomfortable.

21 67. Plaintiff John Doe 25 was forced to visit Dr. Kelly on two additional occasions in
22 2018 for sexual health checkups, and on at least one additional occasion Dr. Kelly insisted on
23 conducting a prolonged rectal and genital examination and asked Plaintiff John Doe 25 a series of
24 even more invasive and inappropriate personal questions, including whether his partners were
25 students on campus, whether he was into older men or "twinks," what race his partners were, how
26 old his partners were, whether he ever shared sex toys with anyone, whether he had ever "played
27 with" anyone using "tools," whether he had ever participated in an orgy, how long he would know
28 a person before "hooking up" with them, the specific details about sexual acts in which he

1 engaged, whether he had anal sex, whether he had oral sex, how often he “topped,” how often he
2 “bottomed,” what sexual positions he participated in, how he performed anal and oral sex, whether
3 he “deep throated” during oral sex, and the names of his sexual partners. Dr. Kelly also made
4 additional shaming and offensive comments including referring to men who using Grindr as
5 “disgusting” and “dangerous” and discussing what he referred to as “disappointing gay culture.”
6 These visits further made Plaintiff John Doe 25 feel judged and shamed for his sexual activity and
7 practices.

8 68. Although he did not realize it at the time, Plaintiff John Doe 25 now knows that Dr.
9 Kelly was not providing legitimate medical treatment to him but was instead sexually abusing him
10 to further his own prurient desires and/or to discriminate, shame, humiliate, and embarrass him as
11 a result of his sexual orientation and/or gender. As an international student, Plaintiff John Doe 25
12 did not know his rights or what was or was not medically proper, making him especially
13 vulnerable to Dr. Kelly’s misconduct.

14 69. Although Dr. Kelly’s purported “medical examinations” caused Plaintiff John Doe
15 25 to suffer embarrassment, humiliation, shame, pain, and discomfort, and in reasonable reliance
16 upon Defendant USC’s active concealment of its knowledge that Dr. Kelly was a sexual predator
17 and discriminated against men on the basis of their sexual orientation and/or gender, Plaintiff John
18 Doe 25 trusted that Dr. Kelly was in fact conducting a legitimate medical procedure due to his
19 position of authority as a physician employed by Defendant USC. Moreover, Plaintiff John Doe
20 25 had no choice but to receive care from Dr. Kelly, as he was the only full-time men’s sexual
21 health physician at Defendant USC’s Student Health Center.

22 70. It was only after allegations regarding Dr. Kelly’s sexual misconduct and
23 discrimination became public in or around February 2019 that Plaintiff John Doe 25 realized that
24 Dr. Kelly’s treatment of him was not for a legitimate medical purpose but was rather sexual abuse
25 committed to discriminate against him based on his sexual orientation and/or gender and/or for Dr.
26 Kelly’s own sexual gratification.

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JOHN DOE 26

71. Plaintiff John Doe 26 is a male who was born in 1993 and who currently resides in Pennsylvania. Plaintiff John Doe 26 was an undergraduate student at USC from 2012 to 2015.

72. In or around November 2013, in order to obtain a male sexual health examination as part of an ordinary medical health regimen, including testing for sexually transmitted diseases, Plaintiff John Doe 26 made an appointment with USC's Student Health Center. USC scheduled John Doe 26 with the only male sexual health doctor on staff at USC's Student Health Center, Dr. Kelly. This was one of John Doe 26's first male sexual health screenings.

73. Plaintiff John Doe 26 went to his appointment and was taken by USC staff to Dr. Kelly's exam room. Dr. Kelly asked Plaintiff John Doe 26 a question or two, but then instructed Plaintiff John Doe 26 to follow him to his private office. Once in Dr. Kelly's private office, Dr. Kelly proceeded to ask Plaintiff John Doe 26 a series of invasive and uncomfortable questions regarding his sexual history and experiences for approximately 30 minutes, including whether he had sex with men, how many male sexual partners he had, whether he used sex toys, whether he shared sex toys with partners, whether he had ever been paid for sex, whether he ever paid anyone for sex, whether he had ever been sexually abused or in an abusive romantic relationship, what sexual positions he had performed, and the percentage breakdown of how often he performed each sexual position. Plaintiff John Doe 26 gave short answers, not hiding the fact that he was displeased with the questions Dr. Kelly was asking. Dr. Kelly acknowledged John Doe 26's displeasure but made no effort to address it. Dr. Kelly instead persisted, asking Plaintiff John Doe 26 how often he watched pornography, to which Plaintiff John Doe 26 responded that he had never really thought about how much pornography he watched. Dr. Kelly responded, "Well, just so you know the average is about one hour a week." Dr. Kelly then proceeded to ask John Doe 26 how he met men, including whether he met men using dating apps like "Grindr." Plaintiff John Doe 26 informed Dr. Kelly that he had never been asked this question before and provided a terse response. During his questioning, Dr. Kelly used unprofessional language. Throughout Dr. Kelly's questioning, he was condescending and judgmental, making Plaintiff John Doe 26 feel uncomfortable and vulnerable. Plaintiff is informed and believes and thereon alleges that Dr.

1 Kelly's questioning and commentary were designed to shame, humiliate, and control John Doe 26
2 so that he would be silenced and so that Dr. Kelly could continue the sexual abuse and
3 discrimination of young gay and bisexual males at USC without restraint.

4 74. Despite Plaintiff John Doe 26's lack of symptoms and Plaintiff John Doe 26's
5 sexual inexperience, Dr. Kelly instructed John Doe 26 to follow him back to his exam room for a
6 physical examination, including a rectal examination, saying, "I want to run a few tests on you."
7 John Doe 26 was alarmed since he was only seeking routine STD testing and had never
8 participated in analingus and never had unprotected anal receptive sex. Dr. Kelly then led John
9 Doe 26 to an examination room so that it was just John Doe 26 and Dr. Kelly in the room. Dr.
10 Kelly then instructed Plaintiff John Doe 26 to undress from the waist down. Dr. Kelly did not
11 leave the room or turn around while John Doe 26 undressed. Dr. Kelly did not provide Plaintiff
12 John Doe 26 with any sort of standard medical modesty covering, such as a robe or lap draping,
13 making John Doe 26 feel exposed and uncomfortable. Dr. Kelly stood in front of John Doe 26 as
14 he undressed.

15 75. Without saying a word about the details of the examination, the process, or what to
16 expect, Dr. Kelly sat in a chair in front of John Doe 26 and began using his hands to inspect John
17 Doe 26's penis and groin area, looking at his genitalia for a prolonged period of time. Dr. Kelly
18 did not swab John Doe 26's genitals or take any sample.

19 76. Dr. Kelly then instructed John Doe 26 to turn around and get on top of the
20 examination table "on all fours." As John Doe 26 was on his hands and knees on the medical
21 examination table facing the wall and with his buttocks facing Dr. Kelly, undressed from the waist
22 down, Plaintiff John Doe 26 felt Dr. Kelly looking at his rectum and then suddenly felt a sharp
23 pain as a swab was inserted into his rectum without warning. Dr. Kelly left the swab in Plaintiff
24 John Doe 26's rectum for approximately one minute or more without explaining why. With Dr.
25 Kelly behind him and Plaintiff John Doe 26 facing the wall with the swab left in his rectum,
26 Plaintiff John Doe 26 wondered what Dr. Kelly was doing since it was taking so long, and Dr.
27 Kelly did not explain what he was doing.

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78. Although Dr. Kelly’s purported “medical examination” caused John Doe 26 to suffer embarrassment, humiliation, shame, pain, and discomfort, and in reasonable reliance upon Defendant USC’s active concealment of its knowledge that Dr. Kelly was a sexual predator and discriminated against men on the basis of their sexual orientation and/or gender, Plaintiff John Doe 26 trusted that Dr. Kelly was in fact conducting a legitimate medical procedure due to his position of authority as a physician employed by Defendant USC. Moreover, John Doe 26 had no choice but to receive care from Dr. Kelly, as he was the only full-time men's sexual health physician at Defendant USC's Student Health Center.

79. Plaintiff John Doe 26 felt so confused and uncomfortable from his experience with Dr. Kelly that he became fearful of seeking regular sexual health examinations thereafter.

80. It was only after allegations regarding Dr. Kelly's sexual misconduct and discrimination became public in or around February 2019 that Plaintiff John Doe 26 realized that Dr. Kelly's treatment of him was not for a legitimate medical purpose, but was rather sexual abuse committed to discriminate against him based on his sexual orientation and/or gender and/or for Dr. Kelly's own sexual gratification.

81. Plaintiff John Doe 27 is a male who was born in 1996 and who currently resides in Los Angeles County, California. At the time of filing this Complaint, Plaintiff John Doe 27 is an undergraduate student at USC.

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1 82. In or around November 2017, the day after he had an appointment and screening
2 for sexually transmitted diseases, Plaintiff John Doe 27 was referred to Dr. Kelly by another
3 treater at USC who recommended John Doe 27 see Dr. Kelly because John Doe 27 identified as a
4 gay man.

5 83. Plaintiff John Doe 27 went to his appointment and was taken by USC staff to Dr.
6 Kelly's private office. Dr. Kelly began asking Plaintiff John Doe 27 a series of invasive and
7 uncomfortable questions regarding his sexual history and experiences, including whether he had
8 sex with men, how many male sexual partners he had, whether he had been paid for sex, whether
9 he used sex toys, what sexual activities he had participated in, and how he met his sexual partners,
10 including whether he met them online. When John Doe 27 said he met a partner online, Dr. Kelly
11 responded, "That's not very smart. You shouldn't engage in sexual activity with someone you
12 met online." Dr. Kelly then asked John Doe 27 what sexual activities he had participated in with
13 the partner he met online. When John Doe 27 said, "Oral," Dr. Kelly responded, "Is that the most
14 you did?" John Doe 27 said, "Yes," to which Dr. Kelly responded, "Can I ask you a personal
15 question, why?" and then asked, "Why stop there?" suggesting he should "live a little." Dr. Kelly
16 proceeded to suggest that he thought John Doe 27 would enjoy doing more. Dr. Kelly's
17 unprofessional questions and comments made John Doe 27 feel humiliated, confused, and judged.
18 Plaintiff is informed and believes and thereon alleges that Dr. Kelly's questioning and
19 commentary were designed to shame, humiliate, and control John Doe 27 so that he would be
20 silenced and so that Dr. Kelly could continue the sexual abuse and discrimination of young gay
21 and bisexual males at USC without restraint.

22 84. Despite Plaintiff John Doe 27's lack of concerns, the fact that John Doe 27 had
23 never had anal sex, and the fact that John Doe 27 had just been screened for STDs the day before
24 his visit with Dr. Kelly, Dr. Kelly insisted that John Doe 27 submit to a rectal examination. John
25 Doe 27 was alarmed and confused. John Doe 27 expressed his discomfort with the recommended
26 rectal examination, saying he did not think it was necessary, explaining again that he had never
27 had anal sex. Dr. Kelly responded, "But you've been fingered, right?" insisting that he should do
28 the rectal examination even if John Doe 27 had never been anally receptive. Dr. Kelly led John

1 Doe 27 to an examination room so that it was just John Doe 27 and Dr. Kelly in the room. Dr.
2 Kelly then instructed Plaintiff John Doe 27 to undress from the waist down. Dr. Kelly did not
3 leave the room or turn around while John Doe 27 undressed. Dr. Kelly did not provide Plaintiff
4 John Doe 27 with any sort of standard medical modesty covering, such as a robe or lap draping,
5 making John Doe 27 feel exposed and uncomfortable.

6 85. Without saying a word about the details of the examination, the process, or what to
7 expect, Dr. Kelly began using his hands, feeling John Doe 27's penis and scrotum with his fingers,
8 and looking at his genitalia for a prolonged period of time, making John Doe 27 extremely
9 uncomfortable and distressed.

10 86. Dr. Kelly then instructed John Doe 27 to get on the examination table "on all
11 fours." While John Doe 27 was on the examination table on his hands and knees, Dr. Kelly told
12 John Doe 27 to lift his buttocks higher and to "arch his back." Without saying a word about the
13 details of the examination, the process, or what to expect, as John Doe 27 was on his hands and
14 knees on the medical examination table undressed from the waist down, Plaintiff John Doe 27 felt
15 Dr. Kelly looking at his rectum and then suddenly felt a sharp pain as a swab was inserted into his
16 rectum without warning. Dr. Kelly left the swab in Plaintiff John Doe 27's rectum for
17 approximately one minute without explaining why.

18 87. The physical examination continued for several minutes, and at no time did Dr.
19 Kelly explain what he was doing. During the examination, Dr. Kelly was silent as Plaintiff John
20 Doe 27 was splayed on his hands and knees without any drapery or covering, feeling exposed,
21 humiliated, and distressed. Although he did not realize it at the time, Plaintiff John Doe 27 now
22 knows that Dr. Kelly was not providing legitimate medical treatment to him but was instead
23 sexually abusing him to further his own prurient desires and/or to discriminate, shame, humiliate,
24 and embarrass him as a result of his sexual orientation and/or gender. Plaintiff John Doe 27 left
25 Dr. Kelly's exam in tears as he proceeded to get his blood drawn at the lab.

26 88. Plaintiff John Doe 27 saw Dr. Kelly at Defendant USC's Student Health Center
27 months later for another routine exam, presenting without complaints or symptoms, and again
28 having never participated in anal sex. During this visit, Dr. Kelly again instructed John Doe 27 to

1 undress in front of him without offering any privacy or covering, instructed him to get on “all
2 fours” on the examination table, and conducted a rectal examination.

3 89. Although Dr. Kelly’s purported “medical examinations” caused John Doe 27 to
4 suffer embarrassment, humiliation, shame, pain, and discomfort, and in reasonable reliance upon
5 Defendant USC’s active concealment of its knowledge that Dr. Kelly was a sexual predator and
6 discriminated against men on the basis of their sexual orientation and/or gender, Plaintiff John
7 Doe 27 trusted that Dr. Kelly was in fact conducting a legitimate medical procedure due to his
8 position of authority as a physician employed by Defendant USC. Moreover, John Doe 27 had no
9 choice but to receive sexual health care from Dr. Kelly, as he was the only full-time men’s sexual
10 health physician at Defendant USC’s Student Health Center.

11 90. It was only after allegations regarding Dr. Kelly’s sexual misconduct and
12 discrimination became public in or around February 2019 that Plaintiff John Doe 27 realized that
13 Dr. Kelly’s treatment of him was not for a legitimate medical purpose, but was rather sexual abuse
14 committed to discriminate against him based on his sexual orientation and/or gender and/or for Dr.
15 Kelly’s own sexual gratification.

16 **JOHN DOE 28**

17 91. Plaintiff John Doe 28 is a male who was born in 1997 and who currently resides in
18 Los Angeles County, California. At the time of filing this Complaint, Plaintiff John Doe 28 is an
19 undergraduate student at USC.

20 92. In or around Spring of 2017, John Doe 28 made an appointment with USC’s
21 Student Health Center as part of an ordinary medical health regimen, including testing for sexually
22 transmitted diseases. USC scheduled John Doe 28 with Dr. Dennis Kelly, the only men’s health
23 doctor at USC’s Student Health Center. This was Plaintiff’s first appointment with a men’s sexual
24 health physician, as he had not been sexually active prior to attending USC. At the time of the
25 appointment, he had no symptoms or concerns and was not sexually active. He had only had
26 sexual intercourse with one partner at the time of his initial visit.

27 93. John Doe 28 was taken by USC staff to Dr. Kelly’s private office where Dr. Kelly
28 began asking Plaintiff John Doe 28 a series of invasive questions regarding his sexual history and

1 experiences, including whether he used “hook-up apps,” whether he had sex with men, how many
2 partners he had, whether he had “topped or bottomed,” and whether he had put his fingers or other
3 objects into his rectum, making John Doe 28 feel extremely uncomfortable. Throughout his
4 questioning, Dr. Kelly excessively praised Plaintiff John Doe 28 for not being sexually active,
5 making John Doe 28 feel worried and confused as to whether he should engage in sexual activity
6 or whether he should abstain based on Dr. Kelly’s scare tactics.

7 94. Despite Plaintiff John Doe 28’s lack of symptoms and lack of sexual activity, Dr.
8 Kelly informed Plaintiff that he would be conducting a physical examination. Dr. Kelly then led
9 John Doe 28 to an examination room so that it was just John Doe 28 and Dr. Kelly in the room.
10 Dr. Kelly instructed Plaintiff John Doe 28 to pull down his pants and underwear and lay flat on his
11 back on the examination table. Dr. Kelly did not provide Plaintiff John Doe 28 with any sort of
12 standard medical modesty covering, such as a robe or lap draping, and John Doe 28 did not feel
13 like he could ask for privacy, making John Doe 28 feel exposed and uncomfortable.

14 95. Once John Doe 28 was on his back, Dr. Kelly began examining and touching John
15 Doe 28’s genitalia with his hands for a prolonged amount of time. Dr. Kelly claimed that he was
16 looking for “warts,” but John Does was not sexually active and had no symptoms or concerns in
17 which a genital examination would have been necessary. Dr. Kelly suggested a rectal examination
18 as well, but John Doe 28 refused.

19 96. Plaintiff went back for a second appointment in the Fall of 2017 and a third
20 appointment in January of 2018 as part of his continued health regimen. At those appointments,
21 Dr. Kelly engaged in similar invasive questioning, and conducted lengthy genital examinations
22 despite Plaintiff John Doe 28’s lack of symptoms or sexual activity.

23 97. In or around May 2018, Plaintiff John Doe 28 returned to the USC Student Health
24 Center in order to obtain a prescription for pre-exposure prophylaxis (PrEP) medication. Plaintiff
25 John Doe 28 was once again scheduled with Dr. Kelly who was the only doctor on staff at USC’s
26 Student Health Center who could prescribe PrEP.

27 98. Plaintiff John Doe 28 was taken to Dr. Kelly’s private office, where it was just John
28 Doe 28 and Dr. Kelly. Dr. Kelly discouraged Plaintiff John Doe 28 from obtaining PrEP and told

1 him that it did not give him a “free pass,” making John Doe 28 feel uncomfortable and
2 embarrassed. Dr. Kelly then engaged in extensive invasive questioning and informed John Doe 28
3 that he would need to have a full panel of tests, including a rectal examination, in order to get
4 PrEP. Dr. Kelly led John Doe 28 to an examination room so that it was just John Doe 28 and Dr.
5 Kelly in the room. Dr. Kelly instructed Plaintiff John Doe 28 to pull down his pants and
6 underwear and climb onto the examination table on his hands and knees. Dr. Kelly did not
7 provide Plaintiff John Doe 28 with any sort of standard medical modesty covering, such as a robe
8 or lap draping, and John Doe 28 did not feel like he could ask for privacy, making John Doe 28
9 feel exposed and uncomfortable.

10 99. Without providing any explicit details about the examination, as John Doe 28 was
11 on his hands and knees on the medical examination table undressed from the waist down, Plaintiff
12 John Doe 28 suddenly felt a swab or other object inserted into his rectum without warning.
13 During the examination, Dr. Kelly was silent as Plaintiff John Doe 28 was splayed on his hands
14 and knees without any drapery or covering, feeling exposed, humiliated, and distressed. However,
15 because Plaintiff John Doe 28 had never been to any other men’s sexual health doctor prior to Dr.
16 Kelly, he assumed that Dr. Kelly’s examination was standard practice and required.

17 100. Also during that appointment, Dr. Kelly conducted another genital examination
18 where he touched John Doe 28’s genitalia with his hands for a prolonged amount of time, making
19 John Doe 28 feel extremely uncomfortable.

20 101. In or around August 2018, Plaintiff John Doe 28 made another appointment with
21 the USC Student Health Center for routine testing for sexually transmitted infections. At that
22 time, USC scheduled him with Dr. Lisa Richardson, as Dr. Kelly was no longer working at USC.
23 At the appointment, Dr. Richardson handed Plaintiff John Doe 28 a rectal swab and basically said,
24 “you know what to do.” Alarmed, Plaintiff John Doe 28 asked whether he was supposed to swab
25 himself, and he informed Dr. Richardson that when he saw Dr. Kelly, Dr. Kelly performed a rectal
26 examination and swab. Dr. Richardson seemed confused that Dr. Kelly performed the rectal
27 examination rather than having Plaintiff John Doe 28 swab himself. Plaintiff John Doe 28 asked
28 Dr. Richardson whether swabbing himself was the correct procedure, and she informed him that it

1 was. Plaintiff has returned to USC Student Health Center for additional men's health
2 appointments since his appointment with Dr. Richardson, and at no time did he receive another
3 rectal examination from any of the USC physicians.

4 102. Although he did not realize it at the time, Plaintiff John Doe 28 now knows that Dr.
5 Kelly was not providing legitimate medical treatment to him but was instead sexually abusing him
6 to further his own prurient desires and/or to discriminate, shame, humiliate, and embarrass him as
7 a result of his sexual orientation and/or gender.

8 103. Although Dr. Kelly's purported "medical examination" caused John Doe 28 to
9 suffer embarrassment, humiliation, shame, pain, and discomfort, and in reasonable reliance upon
10 Defendant USC's active concealment of its knowledge that Dr. Kelly was a sexual predator and
11 discriminated against men on the basis of their sexual orientation and/or gender, Plaintiff John
12 Doe 28 trusted that Dr. Kelly was in fact conducting a legitimate medical procedure due to his
13 position of authority as a physician employed by Defendant USC. Moreover, John Doe 28 had no
14 choice but to receive care from Dr. Kelly, as he was the only full-time men's sexual health
15 physician at Defendant USC's Student Health Center.

16 104. It was only after allegations regarding Dr. Kelly's sexual misconduct and
17 discrimination became public in or around February 2019 that John Doe 28 realized that Dr.
18 Kelly's treatment of him was not for a legitimate medical purpose but was rather sexual abuse
19 committed to discriminate against him based on his sexual orientation and/or gender and/or for Dr.
20 Kelly's own sexual gratification.

21 **JOHN DOE 29**

22 105. Plaintiff John Doe 29 is a male who was born in 1987 and currently resides in
23 Oregon. Plaintiff John Doe 29 was a PhD student at USC from on or around 2011 to 2017.

24 106. In or around 2016, in order to obtain a male sexual health examination as part of an
25 ordinary medical health regimen, including testing for sexually transmitted diseases, Plaintiff John
26 Doe 29 made an appointment with USC's Student Health Center. Plaintiff John Doe 29 identifies
27 as bisexual and at the time, had limited sexual experiences with men. He made an appointment in
28 order to obtain information about getting a prescription for pre-exposure prophylaxis (PrEP) and

1 to discuss his health options. USC scheduled John Doe 29 with the only male sexual health doctor
2 on staff at USC's Student Health Center, Dr. Kelly.

3 107. John Doe 29 was taken by USC staff to Dr. Kelly's private office where it was just
4 Dr. Kelly and John Doe 29 in the room. Dr. Kelly began asking Plaintiff John Doe 29 a series of
5 invasive and uncomfortable questions regarding his sexual history and experiences, including the
6 manner in which Plaintiff John Doe 29 met men, whether he used dating apps such as "Grindr,"
7 and whether he had "eaten ass," "sucked dick," or "ate pussy." Dr. Kelly also asked for detailed,
8 pornographic descriptions of his encounters with men. When Plaintiff John Doe 29 provided
9 general answers to Dr. Kelly's questions, it was not enough, and he pushed for further detailed
10 information. Throughout Dr. Kelly's questioning, he was prying, condescending, and judgmental,
11 making Plaintiff John Doe 29 feel uncomfortable, shamed, and unsafe. Because Plaintiff had not
12 previously seen a men's health physician since he began having sexual encounters with men,
13 Plaintiff assumed that Dr. Kelly's conduct was medically necessary despite his significant
14 discomfort. Plaintiff is informed and believes and thereon alleges that Dr. Kelly's questioning and
15 commentary were designed to shame, humiliate, and control John Doe 29 so that he would be
16 silenced and so that Dr. Kelly could continue the sexual abuse and discrimination of young males
17 at USC without restraint.

18 108. At the end of the initial appointment, Dr. Kelly informed Plaintiff John Doe 29 that
19 if he wanted a prescription for PrEP, he would have to return to see him 2-3 more times so that Dr.
20 Kelly could run a series of tests. In or around 2017, Plaintiff John Doe 29 returned for a second
21 appointment. He was taken to an examination room where it was just Dr. Kelly and John Doe 29.
22 Dr. Kelly once again began asking inappropriate and invasive questions, making John Doe 29
23 again feel uncomfortable and unsafe.

24 109. Dr. Kelly then performed a throat swab on Plaintiff John Doe 29 to test for sexually
25 transmitted diseases. When Dr. Kelly swabbed the back of Plaintiff's throat, Plaintiff gagged, to
26 which Dr. Kelly made the demeaning and humiliating comment: "You have had bigger things in
27 there, why are you gagging?" Plaintiff was embarrassed and ashamed by Dr. Kelly's comment
28 and felt extremely uncomfortable. Despite Plaintiff John Doe 29's lack of symptoms and lack of

1 concerns regarding his sexual health, and despite never having receptive anal intercourse, Dr.
2 Kelly then insisted that John Doe 29 also have a rectal examination. John Doe 29 was alarmed
3 that Dr. Kelly was insisting on such examinations, but he complied since Dr. Kelly represented
4 that the examination was standard and necessary.

5 110. Dr. Kelly instructed Plaintiff John Doe 29 to pull down his pants and underwear.
6 Dr. Kelly did not leave the room or turn around while Plaintiff John Doe 29 undressed. Dr. Kelly
7 did not provide Plaintiff John Doe 29 with any sort of standard medical modesty covering, such as
8 a robe or lap draping, and John Doe 29 did not feel like he could ask for privacy, making John
9 Doe 29 feel exposed and uncomfortable. Dr. Kelly then instructed Plaintiff John Doe 29 to climb
10 onto the examination table on his hands and knees. Without saying a word about the details of the
11 examination, the process, or what to expect, as John Doe 29 was on his hands and knees on the
12 medical examination table undressed from the waist down, Plaintiff John Doe 29 suddenly felt Dr.
13 Kelly insert his fingers into his rectum without warning and began moving them around. Dr.
14 Kelly did not explain what he was doing during the examination or why he was doing it. Instead,
15 while his fingers were inserted into Plaintiff John Doe 29's rectum, Dr. Kelly commented that
16 Plaintiff's prostate felt "a bit swollen," that he was "tender," and that he was "tight and needed to
17 loosen up and relax." Dr. Kelly then inserted a rectal swab into Plaintiff's rectum without
18 warning. During the examination, Plaintiff John Doe 29 was splayed on his hands and knees
19 without any drapery or covering, feeling exposed, humiliated, and distressed.

20 111. Plaintiff John Doe 29 returned to Dr. Kelly on approximately 2-3 more occasions in
21 2017, and on each occasion, Dr. Kelly asked similarly invasive questions and insisted on
22 performing a rectal examination. Although he did not realize it at the time, Plaintiff John Doe 29
23 now knows that Dr. Kelly was not providing legitimate medical treatment to him but was instead
24 sexually abusing him to further his own prurient desires and/or to discriminate, shame, humiliate,
25 and embarrass him as a result of sexual orientation and/or gender.

26 112. Although Dr. Kelly's purported "medical examination" caused John Doe 29 to
27 suffer embarrassment, humiliation, shame, pain, and discomfort, and in reasonable reliance upon
28 Defendant USC's active concealment of its knowledge that Dr. Kelly was a sexual predator and

1 discriminated against men on the basis of their sexual orientation and/or gender, Plaintiff John
2 Doe 29 trusted that Dr. Kelly was in fact conducting a legitimate medical procedure due to his
3 position of authority as a physician employed by Defendant USC. Moreover, John Doe 29 had no
4 choice but to receive care from Dr. Kelly, as he was the only full-time men's sexual health
5 physician at Defendant USC's Student Health Center.

6 113. It was only after allegations regarding Dr. Kelly's sexual misconduct and
7 discrimination became public in or around February 2019 that John Doe 29 realized that Dr.
8 Kelly's treatment of him was not for a legitimate medical purpose but was rather sexual abuse
9 committed to discriminate against him based on sexual orientation and/or gender and/or for Dr.
10 Kelly's own sexual gratification.

11 **JOHN DOE 30**

12 114. Plaintiff John Doe 30 is a male who was born in 1991 and who currently resides in
13 Los Angeles County, California. At the time of his visit with Dr. Kelly, Plaintiff John Doe 30 was
14 an undergraduate student at USC.

15 115. In or around January 2011, in order to obtain an examination related to
16 dermatological symptoms Plaintiff John Doe 30 was experiencing on his penis, Plaintiff John Doe
17 30 made an appointment with USC's Student Health Center. USC scheduled John Doe 30 with
18 Dr. Lisa Richardson, who diagnosed Plaintiff John Doe 30 with dermatitis, but referred John Doe
19 30 to Dr. Kelly for a second opinion.

20 116. Plaintiff John Doe 30 scheduled his follow up visit with Dr. Kelly in or around
21 January 2011. Plaintiff John Doe 30 went to his appointment and was taken by USC staff to Dr.
22 Kelly's exam room. Dr. Kelly began asking Plaintiff John Doe 30 a series of invasive and
23 uncomfortable questions regarding his sexual history and experiences, including whether he had
24 sex with men, whether he had ever been paid for sex or paid someone for sex, whether he
25 identifies as gay, whether he uses sex toys, and whether he was a "top or a bottom." John Doe 30
26 informed Dr. Kelly that he was in a relationship and that he was a "top." Throughout Dr. Kelly's
27 questioning, he was condescending and judgmental, making Plaintiff John Doe 30 feel
28 uncomfortable and unsafe. Plaintiff is informed and believes and thereon alleges that Dr. Kelly's

1 questioning and commentary were designed to shame, humiliate, and control John Doe 30 so that
2 he would be silenced and so that Dr. Kelly could continue the sexual abuse and discrimination of
3 young gay and bisexual males at USC without restraint.

4 117. Despite Dr. Kelly not being concerned about Plaintiff John Doe 30's
5 dermatological symptoms, and despite Plaintiff John Doe 30's lack of other symptoms or concerns
6 and the fact that John Doe 30 was not the receptive partner in his relationship, Dr. Kelly insisted
7 that John Doe 30 have a rectal examination. Dr. Kelly instructed Plaintiff John Doe 30 to pull
8 down his pants and underwear and climb onto the examination table on his hands and knees. Dr.
9 Kelly did not leave the room or turn around while John Doe 30 undressed. Dr. Kelly did not
10 provide Plaintiff John Doe 30 with any sort of standard medical modesty covering, such as a robe
11 or lap draping, making John Doe 30 feel exposed and uncomfortable.

12 118. Without saying a word about the details of the examination, the process, or what to
13 expect, as John Doe 30 was on his hands and knees on the medical examination table undressed
14 from the waist down, Plaintiff John Doe 30 felt Dr. Kelly looking at his rectum and then suddenly
15 felt a metal medical device was inserted into his rectum without warning. Dr. Kelly left the device
16 in Plaintiff John Doe 30's rectum for a prolonged period of time.

17 119. The physical examination continued for several minutes, and at no time did Dr.
18 Kelly explain what he was doing. During the examination, Dr. Kelly was silent as Plaintiff John
19 Doe 30 was splayed on his hands and knees without any drapery or covering, feeling exposed,
20 humiliated, and distressed. Although he did not realize it at the time, Plaintiff John Doe 30 now
21 knows that Dr. Kelly was not providing legitimate medical treatment to him but was instead
22 sexually abusing him to further his own prurient desires and/or to discriminate, shame, humiliate,
23 and embarrass him as a result of his sexual orientation and/or gender.

24 120. Although Dr. Kelly's purported "medical examination" caused John Doe 30 to
25 suffer embarrassment, humiliation, shame, and discomfort, and in reasonable reliance upon
26 Defendant USC's active concealment of its knowledge that Dr. Kelly was a sexual predator and
27 discriminated against men on the basis of their sexual orientation and/or gender, Plaintiff John
28 Doe 30 trusted that Dr. Kelly was in fact conducting a legitimate medical procedure due to his

1 position of authority as a physician employed by Defendant USC. Moreover, John Doe 30 had no
2 choice but to receive care from Dr. Kelly, as he was the only full-time men's sexual health
3 physician at Defendant USC's Student Health Center.

4 121. It was only after allegations regarding Dr. Kelly's sexual misconduct and
5 discrimination became public in or around February 2019 that Plaintiff John Doe 30 realized that
6 Dr. Kelly's treatment of him was not for a legitimate medical purpose, but was rather sexual abuse
7 committed to discriminate against him based on his sexual orientation and/or gender and/or for Dr.
8 Kelly's own sexual gratification.

9 **JOHN DOE 31**

10 122. Plaintiff John Doe 31 is a male who was born in 1997 and who currently resides in
11 Los Angeles County, California. At the time of filing this Complaint, Plaintiff John Doe 31 is an
12 undergraduate student at USC.

13 123. In or around April 2018, in order to obtain a male sexual health examination as part
14 of an ordinary medical health regimen, Plaintiff John Doe 31 made an appointment with USC's
15 Student Health Center. USC scheduled John Doe 31 with the only male sexual health doctor on
16 staff at USC's Student Health Center, Dr. Kelly, even though he had previously received a routine
17 sexual health examination and STD testing from another physician at the Student Health Center.

18 124. Plaintiff John Doe 31 went to his appointment and was taken by USC staff to Dr.
19 Kelly's private office. Dr. Kelly began asking Plaintiff John Doe 31 a series of invasive and
20 uncomfortable questions regarding his sexual history and experiences, including whether he had
21 sex with men, whether he had ever been paid for sex or paid someone for sex, and whether he was
22 a "top or a bottom." John Doe 31 informed Dr. Kelly that he had participated in sexual activities
23 with men, but that all instances of anal receptivity had been with protection. Dr. Kelly then asked
24 how he met men, including whether he met men online or on dating apps like "Grindr" and
25 "Tinder." Plaintiff John Doe 31 responded that he had a "Tinder" profile, to which Dr. Kelly
26 responded that he shouldn't be, that "there is a huge outbreak of Syphilis at USC. Are you aware
27 of it?" To which John Doe 31 said he was not aware. Dr. Kelly then commented, "Well, all of the
28

1 patients I've met with that are part of this outbreak say they are using these apps too." Dr. Kelly's
2 comments made John Doe 31 feel frightened, ashamed, embarrassed, and unsafe.

3 125. Throughout Dr. Kelly's questioning, he was condescending and judgmental,
4 making Plaintiff John Doe 31 feel uncomfortable and unsafe. However, Dr. Kelly kept saying "I
5 lead the men's health practice here at USC" and so Plaintiff John Doe 31 did not feel he could or
6 should push back. Plaintiff is informed and believes and thereon alleges that Dr. Kelly's
7 questioning and commentary were designed to shame, humiliate, and control John Doe 31 so that
8 he would be silenced and so that Dr. Kelly could continue the sexual abuse and discrimination of
9 young gay and bisexual males at USC without restraint.

10 126. Despite Plaintiff John Doe 31's lack of symptoms or complaints, Dr. Kelly insisted
11 that John Doe 31 have a full STD screening, including a physical examination. When John Doe
12 31 asked how much it cost – explaining that he also had health insurance through Kaiser and could
13 seek a full STD screening and physical exam there – Dr. Kelly responded that it would cost
14 approximately \$80. Feeling uncomfortable both with how the visit had gone thus far and with the
15 cost of the proposed examination, John Doe 31 declined the full STD screening and physical
16 examination explaining that he would go ahead and set up an appointment through Kaiser. He
17 thanked Dr. Kelly for his time. Even though it was clear that John Doe 31 would be seeking a
18 routine STD screening through Kaiser, and even though John Doe 31 declined testing through Dr.
19 Kelly, Dr. Kelly reminded John Doe 31 again that he was the head of men's health at USC's
20 Student Health Center and insisted that because Plaintiff John Doe 31 was already in his office,
21 that John Doe 31 submit to a physical examination. Due to Dr. Kelly's insistence, John Doe 31
22 relented.

23 127. Dr. Kelly then led John Doe 31 to an examination room so that it was just John Doe
24 31 and Dr. Kelly in the room. Dr. Kelly then instructed Plaintiff John Doe 31 to pull down his
25 pants and underwear and climb onto the examination table and lay flat on his back. Dr. Kelly did
26 not leave the room or turn around while John Doe 31 undressed. Dr. Kelly did not provide
27 Plaintiff John Doe 31 with any sort of standard medical modesty covering, such as a robe or lap
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1 draping, and John Doe 31 did not feel like he could ask for privacy, making John Doe 31 feel
2 exposed and uncomfortable.

3 128. Without saying a word about the details of the examination, the process, or what to
4 expect, as John Doe 31 was laying on his back undressed from the waist down, Dr. Kelly began
5 examining and touching John Doe 31's genitalia with his hands for a prolonged amount of time.
6 Dr. Kelly never explained what he was doing during the genital examination, making John Doe 31
7 feel extremely uncomfortable. Dr. Kelly then instructed John Doe 31 to turn around and get on his
8 forearms and knees on the medical examination table. Plaintiff John Doe 31 could not see Dr.
9 Kelly while he was undressed from the waist down and on his hands and knees facing the wall but
10 felt Dr. Kelly using his hands to touch and look at his anus.

11 129. The physical examination continued for approximately five minutes, and at no time
12 did Dr. Kelly explain what he was doing, what he was looking for, or what to expect, despite
13 asking questions and talking almost non-stop in his private office. During the examination, Dr.
14 Kelly was silent as Plaintiff John Doe 31 was splayed on his hands and knees without any drapery
15 or covering, feeling exposed, humiliated, and distressed. Although he did not realize it at the time,
16 Plaintiff John Doe 31 now knows that Dr. Kelly was not providing legitimate medical treatment to
17 him but was instead sexually abusing him to further his own prurient desires and/or to
18 discriminate, shame, humiliate, and embarrass him as a result of his sexual orientation and/or
19 gender.

20 130. Although Dr. Kelly's purported "medical examination" caused John Doe 31 to
21 suffer embarrassment, humiliation, shame, pain, and discomfort, and in reasonable reliance upon
22 Defendant USC's active concealment of its knowledge that Dr. Kelly was a sexual predator and
23 discriminated against men on the basis of their sexual orientation and/or gender, Plaintiff John
24 Doe 31 trusted that Dr. Kelly was in fact conducting a legitimate medical procedure due to his
25 position of authority as a physician employed by Defendant USC.

26 131. Plaintiff John Doe 31 felt confused and uncomfortable from his experience with Dr.
27 Kelly in April 2018 and avoided USC's Student Health Center for sexual health examinations,
28 until Dr. Kelly had resigned in or around August 2018.

7 133. Plaintiff John Doe 32 is a male who was born in 1990 and who currently resides in
8 Los Angeles County, California. Plaintiff John Doe 32 was a graduate student at USC from 2014
9 to 2017.

10 134. In or around October 2014, in order to obtain a male sexual health examination as
11 part of an ordinary medical health regimen, and to be safe before engaging in sexual activity with
12 his boyfriend, including testing for sexually transmitted diseases, Plaintiff John Doe 32 made an
13 appointment with USC's Student Health Center. USC scheduled Plaintiff John Doe 32 with the
14 only male sexual health doctor on staff at USC's Student Health Center, Dr. Kelly. Plaintiff John
15 Doe 32 had only one previous sexual health examination and did not have any unprotected sex
16 since his last screening.

17 135. Plaintiff John Doe 32 went to his appointment and was taken by USC staff to Dr.
18 Kelly's private office. Dr. Kelly began asking Plaintiff John Doe 32 a series of invasive and
19 pointed questions regarding his sexual history and experiences, including whether he had sex with
20 men, whether he had participated in analingus, how often he watched internet porn, how he met
21 men, including whether he met men online. Plaintiff John Doe 32 informed Dr. Kelly that he had
22 participated in sexual activities with men, but that he was in a monogamous relationship. Dr.
23 Kelly responded that Plaintiff John Doe 32 should still use condoms with his boyfriend because he
24 could contract STDs, implying that his boyfriend might not be monogamous with him. Dr.
25 Kelly's response made Plaintiff John Doe 32 feel confused and uncomfortable. Plaintiff is
26 informed and believes and thereon alleges that Dr. Kelly's questioning and commentary were
27 designed to shame, humiliate, and control Plaintiff John Doe 32 so that he would be silenced and

1 so that Dr. Kelly could continue the sexual abuse and discrimination of young gay and bisexual
2 males at USC without restraint.

3 136. Despite Plaintiff John Doe 32's lack of symptoms and the fact that John Doe 32 did
4 not have unprotected sex since his last screening, Dr. Kelly insisted that John Doe 32 have a
5 physical examination, including rectal examination. Dr. Kelly never explained what purpose the
6 physical examination would serve, or whether it was just a visual examination or to collect
7 samples for testing, other than to say that it was necessary "to be safe." Additionally, even though
8 John Doe 32 did not have any gastrointestinal symptoms or concerns, Dr. Kelly insisted that John
9 Doe 32 submit a fecal sample to be tested for "worms."

10 137. Dr. Kelly then led John Doe 32 to an examination room so that it was just John Doe
11 32 and Dr. Kelly in the room. Dr. Kelly closed the door behind him and quickly swung his arm to
12 close the privacy curtain behind him, but the curtain was left slightly open. Dr. Kelly then
13 instructed Plaintiff John Doe 32 to undress from the waist down. Dr. Kelly did not leave the room
14 or turn around while John Doe 32 undressed. Dr. Kelly did not provide Plaintiff John Doe 32 with
15 any sort of standard medical modesty covering, such as a robe or lap draping, making John Doe 32
16 feel exposed and uncomfortable. Dr. Kelly stood in front of John Doe 32 as he undressed.

17 138. Without saying a word about the details of the examination, the process, or what to
18 expect, Dr. Kelly sat in a chair in front of John Doe 32 and began using his hands to inspect John
19 Doe 32's penis and groin area, looking at his genitalia for a prolonged period of time. Dr. Kelly
20 did not swab John Doe 32's genitals or take any sample.

21 139. Dr. Kelly then instructed John Doe 32 to turn around. John Doe 32 turned around
22 as instructed. He remained standing and began to lean slightly forward as he had done in his
23 previous STI screening involving a rectal examination. But Dr. Kelly instead directed John Doe
24 32 to get on top of the examination table "on all fours," which John Doe 32 thought was strange.
25 As John Doe 32 was on his hands and knees on the medical examination table facing the wall and
26 with his buttocks facing Dr. Kelly, undressed from the waist down, Plaintiff John Doe 32 suddenly
27 felt something penetrate his anus without warning. Then, suddenly, Dr. Kelly muttered something
28 while stumbling backwards and sideways in an awkward manner toward the door. Dr. Kelly's

1 facial expression appeared to convey embarrassment. Dr. Kelly then swiftly opened the door
2 while John Doe 32 was still on his hands and knees on the exam table with his naked buttocks in
3 the air and with the curtain open, such that anyone in the hallway could have seen him in this
4 position and left. After waiting a few moments, uncomfortable and confused as to why Dr. Kelly
5 had left so awkwardly and abruptly, John Doe 32 got down off the exam table, pulled his clothing
6 back on, and left.

7 140. The examination continued for several minutes, and at no time did Dr. Kelly
8 explain what he was doing. During the examination, Dr. Kelly was silent as Plaintiff John Doe 32
9 was splayed on his hands and knees without any drapery or covering, feeling exposed, humiliated,
10 and distressed. Although he did not realize it at the time, Plaintiff John Doe 32 now knows that
11 Dr. Kelly was not providing legitimate medical treatment to him but was instead sexually abusing
12 him to further his own prurient desires and/or to discriminate, shame, humiliate, and embarrass
13 him as a result of his sexual orientation and/or gender.

14 141. Although Dr. Kelly's purported "medical examination" caused John Doe 32 to
15 suffer embarrassment, humiliation, shame, pain, and discomfort, and in reasonable reliance upon
16 Defendant USC's active concealment of its knowledge that Dr. Kelly was a sexual predator and
17 discriminated against men on the basis of their sexual orientation and/or gender, Plaintiff John
18 Doe 32 trusted that Dr. Kelly was in fact conducting a legitimate medical procedure due to his
19 position of authority as a physician employed by Defendant USC. Moreover, John Doe 32 had no
20 choice but to receive care from Dr. Kelly, as he was the only full-time men's sexual health
21 physician at Defendant USC's Student Health Center.

22 142. It was only after allegations regarding Dr. Kelly's sexual misconduct and
23 discrimination became public in or around February 2019 that Plaintiff John Doe 32 realized that
24 Dr. Kelly's treatment of him was not for a legitimate medical purpose, but was rather sexual abuse
25 committed to discriminate against him based on his sexual orientation and/or gender and/or for Dr.
26 Kelly's own sexual gratification.

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JOHN DOE 33

143. Plaintiff John Doe 33 is a male who was born in 1997 and who currently resides in Los Angeles County, California. At the time of filing this Complaint, Plaintiff John Doe 33 is an undergraduate student at USC.

144. In the Spring of 2017, John Doe 33 made an appointment with USC's Student Health Center as part of an ordinary medical health regimen, including testing for sexually transmitted diseases. USC scheduled John Doe 33 with Dr. Dennis Kelly, the only men's health doctor at USC's Student Health Center.

145. Plaintiff John Doe 33 went to his appointment and was taken by USC staff to Dr. Kelly's private office. Dr. Kelly began asking Plaintiff John Doe 33 a series of questions. When Plaintiff John Doe 33 responded that he was gay and that he had had sex with a man, Dr. Kelly's questions became much more invasive and uncomfortable. Dr. Kelly asked Plaintiff John Doe 33 questions regarding his sexual history and experiences, including, how he felt about his sexuality, how frequently he had sex, how many sexual partners he had had and their genders, whether he had ever paid for sex or been paid for sex, how much he knew about his partner's sexual histories, what particular sexual positions he used, and whether he used dating apps. When Plaintiff John Doe 33 responded that he was in a long-term relationship, Dr. Kelly remarked that many of John Doe 33's peers were engaged in very risky behaviors including using various dating apps and hooking up with men anonymously, and that it was nice to see a gay man his age in a relationship. Dr. Kelly's response made John Doe 33 feel confused, judged, and shamed. Plaintiff is informed and believes and thereon alleges that Dr. Kelly's questioning and commentary were designed to shame, humiliate, and control John Doe 33 so that he would be silenced and so that Dr. Kelly could continue the sexual abuse and discrimination of young gay and bisexual males at USC without restraint.

146. Dr. Kelly then led John Doe 33 to an examination room so that it was just John Doe 33 and Dr. Kelly in the room. Dr. Kelly instructed Plaintiff John Doe 33 to undress from the waist down and climb onto the examination table on his hands and knees. Dr. Kelly did not leave the room or turn around while John Doe 33 undressed. Dr. Kelly did not provide Plaintiff John Doe

1 33 with any sort of standard medical modesty covering, such as a robe or lap draping, and John
2 Doe 33 did not feel like he could ask for privacy, making John Doe 33 feel exposed and
3 uncomfortable.

4 147. Without saying a word about the details of the examination, the process, or what to
5 expect, as John Doe 33 was on his hands and knees on the medical examination table undressed
6 from the waist down, Plaintiff John Doe 33 suddenly and unexpectedly felt a swab or other object
7 inserted into his rectum without warning. The examination was painful, and at no time did Dr.
8 Kelly explain what he was doing or why he was doing it. During the examination, Dr. Kelly was
9 silent as Plaintiff John Doe 33 was splayed on his hands and knees without any drapery or
10 covering, feeling exposed, humiliated, and distressed.

11 148. After the rectal examination, Dr. Kelly instructed John Doe 33 to turn over and lay
12 flat on his back on the examination table so that Dr. Kelly could examine his groin area. At the
13 time of the examination, Plaintiff had a skin rash near his groin for which he was already receiving
14 treatment from his primary care physician and for which he had no concerns. Dr. Kelly proceeded
15 to examine his groin area for a prolonged period of time and engaged in extended uncomfortable
16 touching of and around his genitals. Dr. Kelly then had a dermatologist come into the room to
17 look at the rash. The dermatologist entered the room and seemed confused and uncomfortable to
18 see Plaintiff John Doe 33 in laying on the table completely naked from the waist down, making
19 John Doe 33 feel even further discomfort.

20 149. Although he did not realize it at the time, Plaintiff John Doe 33 now knows that Dr.
21 Kelly was not providing legitimate medical treatment to him but was instead sexually abusing him
22 to further his own prurient desires and/or to discriminate, shame, humiliate, and embarrass him as
23 a result of his sexual orientation and/or gender.

24 150. Although Dr. Kelly's purported "medical examination" caused John Doe 33 to
25 suffer embarrassment, humiliation, shame, pain, and discomfort, and in reasonable reliance upon
26 Defendant USC's active concealment of its knowledge that Dr. Kelly was a sexual predator and
27 discriminated against men on the basis of their sexual orientation and/or gender, Plaintiff John
28 Doe 33 trusted that Dr. Kelly was in fact conducting a legitimate medical procedure due to his

1 position of authority as a physician employed by Defendant USC. Moreover, John Doe 33 had no
2 choice but to receive care from Dr. Kelly, as he was the only full-time men's sexual health
3 physician at Defendant USC's Student Health Center.

4 151. It was only after allegations regarding Dr. Kelly's sexual misconduct and
5 discrimination became public in or around February 2019 that Plaintiff John Doe 33 realized that
6 Dr. Kelly's treatment of him was not for a legitimate medical purpose, but was rather sexual abuse
7 committed to discriminate against him based on his sexual orientation and/or gender and/or for Dr.
8 Kelly's own sexual gratification.

9 **JOHN DOE 34**

10 152. Plaintiff John Doe 34 is a male who was born in 1991 and who currently resides in
11 Los Angeles County, California. At the time of filing this Complaint, Plaintiff John Doe 34 is a
12 graduate student at USC.

13 153. In or around October 2017, in order to obtain a prescription for PrEP, John Doe 34
14 made an appointment with USC's Student Health Center. USC scheduled John Doe 34 with the
15 doctor on staff at USC's Student Health Center who could prescribe PrEP, Dr. Dennis Kelly.

16 154. Plaintiff John Doe 34 went to his appointment and was taken by USC staff to Dr.
17 Kelly's private office. Dr. Kelly began asking Plaintiff John Doe 34 a series of invasive and
18 uncomfortable questions regarding his sexual history and experiences, including whether he had
19 sex with men, whether he "topped or bottomed," which sexual positions he primarily participated
20 in, whether he used sex toys, how many sexual partners he had been with, and whether he had ever
21 contracted a STD. When John Doe 34 told Dr. Kelly that he had never contracted an STD, Dr.
22 Kelly responded, "Wow, that's a miracle." Dr. Kelly then asked how John Doe 34 met men,
23 including whether he met men on dating apps like "Grindr" and "Scruff," telling John Doe 34,
24 "Don't sleep with people you meet on the internet." Dr. Kelly's response made John Doe 34 feel
25 confused, uncomfortable, and shamed. Plaintiff is informed and believes and thereon alleges that
26 Dr. Kelly's questioning and commentary were designed to shame, humiliate, and control John Doe
27 34 so that he would be silenced and so that Dr. Kelly could continue the sexual abuse and
28 discrimination of young gay and bisexual males at USC without restraint.

1 155. Dr. Kelly then insisted that John Doe 34 submit to a rectal examination, which
2 surprised John Doe 34 because he had always done the anal swabbing on himself for STD
3 screenings in the past. Dr. Kelly then led John Doe 34 to an examination room so that it was just
4 John Doe 34 and Dr. Kelly in the room. Dr. Kelly then instructed Plaintiff John Doe 34 to change
5 into a robe and climb onto the examination table on his hands and knees. John Doe 34 insisted
6 that Dr. Kelly leave the exam room to provide privacy for John Doe 34 to change into the robe,
7 and Dr. Kelly relented.

8 156. Without saying a word about the details of the examination, the process, or what to
9 expect, as John Doe 34 was on his hands and knees on the medical examination table undressed
10 from the waist down, Plaintiff John Doe 34 suddenly felt a swab inserted into his rectum without
11 warning, and later removed.

12 157. The examination continued for several minutes, and at no time did Dr. Kelly
13 explain what he was doing. During the examination, Dr. Kelly was silent as Plaintiff John Doe 34
14 was splayed on his hands and knees without any drapery or covering, feeling exposed, humiliated,
15 and distressed. Although he did not realize it at the time, Plaintiff John Doe 34 now knows that
16 Dr. Kelly was not providing legitimate medical treatment to him but was instead sexually abusing
17 him to further his own prurient desires and/or to discriminate, shame, humiliate, and embarrass
18 him as a result of his sexual orientation and/or gender.

19 158. Following the examination, Plaintiff John Doe 34 sent Dr. Kelly an email to
20 complain about his experience, explaining that Dr. Kelly's examination made him so
21 uncomfortable that he would not be moving forward with any additional testing and would be
22 pursuing a prescription for PrEP elsewhere, even though Plaintiff John Doe 34 was insured
23 through USC's student health insurance.

24 159. Although Dr. Kelly's purported "medical examination" caused John Doe 34 to
25 suffer embarrassment, humiliation, shame, pain, and discomfort, and in reasonable reliance upon
26 Defendant USC's active concealment of its knowledge that Dr. Kelly was a sexual predator and
27 discriminated against men on the basis of their sexual orientation and/or gender, Plaintiff John
28 Doe 34 trusted that Dr. Kelly was in fact conducting a legitimate medical procedure due to his

1 position of authority as a physician employed by Defendant USC. Moreover, John Doe 34 had no
2 choice but to receive care from Dr. Kelly, as he was the only full-time men's sexual health
3 physician at Defendant USC's Student Health Center.

4 160. It was only after allegations regarding Dr. Kelly's sexual misconduct and
5 discrimination became public in or around February 2019 that Plaintiff John Doe 34 realized that
6 Dr. Kelly's treatment of him was not for a legitimate medical purpose, but was rather sexual abuse
7 committed to discriminate against him based on his sexual orientation and/or gender and/or for Dr.
8 Kelly's own sexual gratification.

9 **JOHN DOE 35**

10 161. Plaintiff John Doe 35 is a male who was born in 1989 and who currently resides in
11 New York State. At the time of his visit with Dr. Kelly, Plaintiff John Doe 35 was an
12 undergraduate student at USC.

13 162. In or around May 2011, in order to obtain a male sexual health examination as part
14 of an ordinary medical health regimen, including testing for sexually transmitted diseases, Plaintiff
15 John Doe 35 made an appointment with USC's Student Health Center. USC scheduled John Doe
16 35 with the only male sexual health doctor on staff at USC's Student Health Center, Dr. Kelly.

17 163. Plaintiff John Doe 35 went to his appointment and was taken by USC staff to Dr.
18 Kelly's exam room. Dr. Kelly began asking Plaintiff John Doe 35 questions regarding his sexual
19 history and experiences, including how many partners he had, whether he had ever had any
20 sexually transmitted infections, how sexually active he was, when his last sexual activity was, and
21 whether his sexual partners were men or women. When Plaintiff John Doe 35 told Dr. Kelly that
22 he identified as bisexual, Dr. Kelly began asking him a series of more targeted invasive and
23 uncomfortable questions regarding his sexual activity with men including how many male sexual
24 partners he had, whether he used sex toys, whether he shared sex toys with men, how often he
25 watched pornography, whether he generally gave or received anal sex with men, whether he had
26 ever been paid for sex, whether he had ever paid for sex, and how he met men. John Doe 35
27 informed Dr. Kelly that he had only received anal sex with one partner a couple of times when
28 they were in high school, five years prior, and that they were both each other's "first."

1 164. Despite the fact that John Doe 35 had not participated in anally receptive sex in five
2 years and had no complaints or symptoms, Dr. Kelly insisted that he needed to conduct a rectal
3 examination on John Doe 35 to inspect for “polyps” or “lesions,” explaining that men who have
4 received anal sex can get “polyps” or “lesions” inside their anus, so he would need to check inside
5 John Doe 35’s anus. Plaintiff is informed and believes and thereon alleges that Dr. Kelly’s
6 questioning and commentary were designed to alarm, panic, and control John Doe 35 so that he
7 would be silenced and so that he would submit to Dr. Kelly’s sexual abuse and discrimination of
8 him, and so that Dr. Kelly could continue the sexual abuse and discrimination of young gay and
9 bisexual males at USC without restraint. John Doe 35 was alarmed and confused but relented.
10 Dr. Kelly then instructed Plaintiff John Doe 35 to pull down his pants and underwear and climb
11 onto the examination table on his hands and knees.

12 165. As John Doe 35 was on his hands and knees on the medical examination table
13 undressed from the waist down, Plaintiff John Doe 35 felt Dr. Kelly insert a clear cylindrical
14 device into his rectum and using a flashlight looked around his anus and rectum for a prolonged
15 period of time. The physical examination continued for several minutes. During the examination,
16 Dr. Kelly was silent as Plaintiff John Doe 35 was splayed on his hands and knees without any
17 drapery or covering, feeling exposed, humiliated, and distressed. Although he did not realize it at
18 the time, Plaintiff John Doe 35 now knows that Dr. Kelly was not providing legitimate medical
19 treatment to him but was instead sexually abusing him to further his own prurient desires and/or to
20 discriminate, shame, humiliate, and embarrass him as a result of his sexual orientation and/or
21 gender.

22 166. Although Dr. Kelly’s purported “medical examination” caused John Doe 35 to
23 suffer embarrassment, humiliation, shame, pain, and discomfort, and in reasonable reliance upon
24 Defendant USC’s active concealment of its knowledge that Dr. Kelly was a sexual predator and
25 discriminated against men on the basis of their sexual orientation and/or gender, Plaintiff John
26 Doe 35 trusted that Dr. Kelly was in fact conducting a legitimate medical procedure due to his
27 position of authority as a physician employed by Defendant USC. Moreover, John Doe 35 had no
28

1 choice but to receive care from Dr. Kelly, as he was the only full-time men's sexual health
2 physician at Defendant USC's Student Health Center.

3 167. It was only after allegations regarding Dr. Kelly's sexual misconduct and
4 discrimination became public in or around February 2019 that Plaintiff John Doe 35 realized that
5 Dr. Kelly's treatment of him was not for a legitimate medical purpose, but was rather sexual abuse
6 committed to discriminate against him based on his sexual orientation and/or gender and/or for Dr.
7 Kelly's own sexual gratification.

8 **JOHN DOE 36**

9 168. Plaintiff John Doe 36 is a male who was born in 1988 and who currently resides in
10 Los Angeles County, California. At the time of his visit with Dr. Kelly, Plaintiff John Doe 36 was
11 a graduate student at USC.

12 169. In or around August 2010, Plaintiff John Doe 36 scheduled a visit to USC's Student
13 Health Center related to intermittent rectal pain and bleeding he had been experiencing following a
14 sexual assault by another man. He was seen by Dr. Lisa Richardson to whom he provided his
15 history and relevant details of the sexual assault. After asking questions and conducting a
16 minimally invasive physical examination, Dr. Richardson diagnosed John Doe 36 with external
17 hemorrhoids, conducted a sexually transmitted infection screening, and prescribed him with
18 medication and comfort measures to treat and alleviate his symptoms. Plaintiff John Doe 36 left
19 the appointment feeling proud of himself and hopeful about his recovery.

20 170. Plaintiff John Doe 36 returned for a follow up visit with Dr. Richardson a few
21 weeks later to further evaluate his symptoms and to receive his lab results, which all came back
22 normal. Dr. Richardson referred Plaintiff John Doe 36 for a follow up visit with Dr. Kelly for
23 several weeks out.

24 171. In or around September 2010, Plaintiff John Doe 36 went to his appointment with
25 Dr. Kelly and was taken by USC staff to Dr. Kelly's exam room. Dr. Kelly began asking Plaintiff
26 John Doe 36 a series of invasive questions regarding his sexual history and experiences. Very
27 early in his questioning, Dr. Kelly asked John Doe 36 about his sexual assault, even though John
28 Doe 36 had already provided the relevant details of his assault to Dr. Richardson at his previous

1 visits, which Dr. Richardson noted in his records. John Doe 36 felt it unnecessary to repeat
2 himself and relive the deeply traumatic experience of his assault, but Dr. Kelly was surprisingly
3 insistent that John Doe 36 provide him with details. When John Doe 36 expressed reluctance to
4 provide details of his assault, Dr. Kelly suggested that he could not treat John Doe 36 if he did not
5 answer his questions. John Doe 36 told Dr. Kelly that he had been “roofied” and did not
6 remember “much of it” to which Dr. Kelly aggressively retorted, “But you remember *something*?”
7 John Doe 36 relented, repeating what he told Dr. Richardson, that he was forcibly penetrated by a
8 man’s hand. But Dr. Kelly continued, aggressively pushing for details of the assault. Dr. Kelly
9 asked, “By how many fingers?” Visibly upset and humiliated, John Doe 36 was shocked and silent.
10 But Dr. Kelly insisted, asking, “One finger?... Two fingers?... Were you fisted?” Shaking and
11 openly crying, John Doe 36 told him, “Four.” Dr. Kelly then described the forcible penetration of
12 John Doe 36’s rectum as “normal, sexual activity” and as something “people do for pleasure.” Dr.
13 Kelly then asked whether John Doe 36’s forcible penetration was welcomed by John Doe 36 and
14 asked whether he enjoyed it at all or found enjoyment in it. Plaintiff is informed and believes that
15 at some point Dr. Kelly asked him whether his symptoms were “psychosomatic.” Dr. Kelly’s
16 aggressive and abusive line of questioning culminated in John Doe 36 burying his head in his
17 hands in tears. Plaintiff is informed and believes and thereon alleges that Dr. Kelly’s questioning
18 and commentary were to further his own prurient desires and/or were designed to shame,
19 humiliate, and control John Doe 36 so that he would be silenced and submit to Dr. Kelly’s sexual
20 abuse, and so that Dr. Kelly could continue the sexual abuse and discrimination of young gay and
21 bisexual males at USC without restraint.

22 172. Despite the fact that John Doe 36 had a recent STI screening and physical
23 examination with Dr. Richardson, which came back normal, Dr. Kelly insisted on conducting a
24 physical examination, including a rectal examination on John Doe 36. John Doe 36 was still
25 shaken, but obliged. Dr. Kelly instructed Plaintiff John Doe 36 to pull down his pants and
26 underwear and climb onto the examination table on “all fours.” Dr. Kelly did not leave the room
27 or turn around while John Doe 36 undressed. Dr. Kelly did not provide Plaintiff John Doe 36 with
28

1 any sort of standard medical modesty covering, such as a robe or lap draping, making John Doe 36
2 feel exposed and uncomfortable.

3 173. John Doe 36 awkwardly struggled to get onto the examination table on all fours.
4 John Doe 36's body trembled slightly as Dr. Kelly approached him from across the room.
5 Without saying a word about the details of the examination, the process, or what to expect, as John
6 Doe 36 was on his hands and knees on the medical examination table undressed from the waist
7 down, Plaintiff John Doe 36 felt Dr. Kelly insert a finger and then a medical device into his
8 rectum and then looked around his anus and rectum for a prolonged period of time – notably far
9 longer than any inspection John Doe 36 has experienced in subsequent medical examinations.

10 174. While still on “all fours” and with his pants and underwear around his ankles, Dr.
11 Kelly then instructed John Doe 36 to roll over onto his back. Laying on his back, Dr. Kelly took
12 John Doe 36's penis and testicles into his hands and began shifting them around.

13 175. The physical examination continued for several minutes, and at no time did Dr.
14 Kelly explain what he was doing. Although he did not realize it at the time, Plaintiff John Doe 36
15 now knows that Dr. Kelly was not providing legitimate medical treatment to him but was instead
16 sexually abusing him to further his own prurient desires and/or to discriminate, shame, humiliate,
17 and embarrass him as a result of his sexual orientation and/or gender.

18 176. Although Dr. Kelly's purported “medical examination” caused John Doe 36 to
19 suffer embarrassment, humiliation, shame, pain, and discomfort, and in reasonable reliance upon
20 Defendant USC's active concealment of its knowledge that Dr. Kelly was a sexual predator and
21 discriminated against men on the basis of their sexual orientation and/or gender, Plaintiff John
22 Doe 36 trusted that Dr. Kelly was in fact conducting a legitimate medical procedure due to his
23 position of authority as a physician employed by Defendant USC. Moreover, John Doe 36 had no
24 choice but to receive care from Dr. Kelly, as he was the only full-time men's sexual health
25 physician at Defendant USC's Student Health Center.

26 177. It was only after allegations regarding Dr. Kelly's sexual misconduct and
27 discrimination became public in or around February 2019 that Plaintiff John Doe 36 realized that
28 Dr. Kelly's treatment of him was not for a legitimate medical purpose, but was rather sexual abuse

1 committed to discriminate against him based on his sexual orientation and/or gender and/or for Dr.
2 Kelly's own sexual gratification.

3 **JOHN DOE 37**

4 178. Plaintiff John Doe 37 is a male who was born in 1997 and who currently resides in
5 Los Angeles County, California. At the time of filing this Complaint, Plaintiff John Doe 37 is an
6 undergraduate student at USC.

7 179. In or around September 2017, in order to obtain a prescription for PrEP, John Doe
8 37 made an appointment with USC's Student Health Center. USC scheduled John Doe 37 with
9 the doctor on staff at USC's Student Health Center who could prescribe PrEP, Dr. Dennis Kelly.

10 180. Plaintiff John Doe 37 went to his appointment and was taken by USC staff to Dr.
11 Kelly's private office. Dr. Kelly began asking Plaintiff John Doe 37 a series of invasive and
12 uncomfortable questions regarding his sexual history and experiences, including whether he had
13 sex with men, how many sexual partners he had, whether he had been paid for sex, whether he had
14 paid anyone for sex, whether he used sex toys, what sexual activities he had participated in,
15 whether John Doe 37 was a "top or bottom," and how he met men, including whether he met them
16 online on dating apps like "Grindr" and "Tinder." Dr. Kelly warned John Doe 37, "You should
17 use condoms." John Doe 37 asked whether Dr. Kelly always used condoms with his partner, Dr.
18 Kelly said, "Well, I don't do *that*," referring to the fact that John Doe 37 had more than one
19 partner. Dr. Kelly's unprofessional vocabulary, questions and comments made John Doe 37 feel
20 humiliated, confused, and judged. Plaintiff is informed and believes and thereon alleges that Dr.
21 Kelly's questioning and commentary were designed to shame, humiliate, and control John Doe 37
22 so that he would be silenced and so that Dr. Kelly could continue the sexual abuse and
23 discrimination of young gay and bisexual males at USC without restraint.

24 181. Although he did not realize it at the time, Plaintiff John Doe 37 now knows that Dr.
25 Kelly was not providing legitimate medical treatment to him but was instead sexually harassing
26 him to further his own prurient desires and/or to discriminate, shame, humiliate, and embarrass
27 him as a result of his sexual orientation and/or gender. Plaintiff John Doe 37 left Dr. Kelly's visit
28 in tears.

1 182. Although Dr. Kelly’s purported “medical examinations” caused John Doe 37 to
2 suffer embarrassment, humiliation, shame, pain, and discomfort, and in reasonable reliance upon
3 Defendant USC’s active concealment of its knowledge that Dr. Kelly was a sexual predator and
4 discriminated against men on the basis of their sexual orientation and/or gender, Plaintiff John
5 Doe 37 trusted that Dr. Kelly was in fact conducting a legitimate medical procedure due to his
6 position of authority as a physician employed by Defendant USC. Moreover, John Doe 37 had no
7 choice but to receive sexual health care from Dr. Kelly, as he was the only full-time men's sexual
8 health physician at Defendant USC's Student Health Center.

9 183. It was only after allegations regarding Dr. Kelly’s sexual misconduct and
10 discrimination became public in or around February 2019 that Plaintiff John Doe 37 realized that
11 Dr. Kelly’s treatment of him was not for a legitimate medical purpose, but was rather sexual
12 misconduct committed to discriminate against him based on his sexual orientation and/or gender
13 and/or for Dr. Kelly’s own sexual gratification.

14 **FACTUAL ALLEGATIONS RELEVANT TO ALL PARTIES**

15 184. Plaintiffs were young male gay or bisexual undergraduate students at USC when
16 they were subjected to the unlawful behavior by Dr. Kelly, as described herein. Many were
17 inexperienced in the kinds of intimate examinations that gave rise to the claims asserted herein.

18 185. Plaintiffs are informed and believe and thereon allege that Dr. Kelly received his
19 medical degree in 1972 from the University of Pittsburgh School of Medicine, and he received his
20 medical license on March 20, 1974. Plaintiffs are further informed and believe and thereon allege
21 that Defendant USC thereafter hired Dr. Kelly as a full-time physician to address men’s sexual
22 health at its Student Health Center later known as the Engemann Student Health Center.

23 186. Plaintiffs are informed and believe and thereon allege that during his tenure at
24 USC, Dr. Kelly sexually abused and molested dozens of young male gay and bisexual students,
25 including Plaintiffs, through the use of his position, power, authority, and trust as the only full-
26 time men’s health specialist employed by USC Student Health Services. At all times alleged
27 herein, Dr. Kelly was an employee, agent, and/or servant of Defendant USC and Does 1 through
28 100, and/or was under their complete control and/or direct supervision.

1 187. Plaintiffs are informed and believe and thereon allege that Dr. Kelly was retained as
2 a men's health physician to provide medical care and treatment to young men attending USC as
3 undergraduate and graduate students, most of whom were very young adults and many of whom
4 had never had any sexual health visits prior to attending USC. It was through this position of trust
5 and confidence that Dr. Kelly exploited Plaintiffs in perpetrating his sexual abuse and battery upon
6 Plaintiffs and discriminating against Plaintiffs based on their sexual orientation and/or gender.
7 Plaintiffs are informed and believe and thereon allege that all of the sexually abusive, harassing,
8 and discriminatory conduct alleged herein was done to satisfy Dr. Kelly's own prurient sexual
9 desires and/or to shame, humiliate, and embarrass Plaintiffs as a result of their sexual orientation.

10 188. Plaintiffs are informed and believe and thereon allege that in hiring Dr. Kelly as its
11 only full-time men's sexual health physician, Defendant USC gave Dr. Kelly full power, control,
12 and authority to treat and provide men's sexual health medical care to its undergraduate and
13 graduate students. By continuing to employ Dr. Kelly, USC held Dr. Kelly out to be a
14 professional and legitimate men's health physician.

15 189. Plaintiffs are informed and believe and thereon allege that at all times relevant
16 herein, Defendant USC owned, operated, maintained, controlled, and staffed its Student Health
17 Center later known as the Engemann Student Health Center. Defendant USC promoted its Student
18 Health Center as a safe place where students could obtain high quality medical treatment, and
19 USC encouraged men to receive regular sexual health checkups to ensure their health and
20 wellness.

21 190. Plaintiffs are informed and believe and thereon allege that at all times relevant
22 herein, Plaintiffs were under Defendants USC, Dr. Kelly, and Does 1 through 100's complete
23 control, dominion, and supervision when they were subjected to the discriminatory behavior and
24 sexual misconduct of Dr. Kelly as described herein.

25 191. All Plaintiffs were undergraduate students and paid for health services at USC.
26 Defendant USC caused them to be directed to its Student Health Center later known as the
27 Engemann Student Health Center for, among other things, men's sexual health care. The Student
28 Health Center assigned these Plaintiffs to see Dr. Kelly for any and all examinations, treatment,

1 testing, and/or concerns related to their sexual health. Some of the Plaintiffs had never received
2 any examination, treatment, or testing related to their sexual health before seeing Dr. Kelly.
3 Plaintiffs put their full trust and confidence in Dr. Kelly, assuming his advice, conduct, and
4 treatment during the examinations were necessary and appropriate.

5 192. At all times relevant herein, a special relationship arose among Defendants USC
6 and Dr. Kelly, acting on its own or through the Student Health Center, on the one hand, and each
7 Plaintiff, on the other hand, and Defendants stood in the position of a fiduciary toward each of the
8 Plaintiffs by virtue of (1) the patient-health care provider relationship that arose; (2) the superior
9 knowledge that Defendants possessed with respect to standards of care, discriminatory conduct,
10 and allegations against Dr. Kelly; and (3) each Plaintiff's dependence upon the Defendants for
11 information regarding their treatment.

12 193. Plaintiffs are informed and believe and thereon allege that because of the
13 relationship between Plaintiffs and Defendants, Defendants had an obligation and a duty under the
14 law to, among other things, make a full and fair disclosure to each Plaintiff of all facts which
15 materially affected his rights and interests and to disclose to each Plaintiff the full extent of Dr.
16 Kelly's discriminatory and sexual misconduct and/or Defendant USC's errors, omissions, and
17 concealments related to Dr. Kelly's discriminatory and sexual misconduct. Additionally, each
18 Plaintiff had the right to make an informed decision about whether to subject himself to treatment
19 by Dr. Kelly.

20 194. Plaintiffs are further informed and believe and thereon allege that because of the
21 relationship between Plaintiffs and Defendants, Defendants had an obligation and duty under the
22 law not to hide material facts and information about Dr. Kelly's past sexual misconduct and
23 discrimination. Defendant USC failed to fulfill its fiduciary duty to disclose Dr. Kelly's wrongful
24 actions. Additionally, Defendants had an affirmative duty to warn, inform, and institute
25 appropriate protective measures to safeguard patients who were reasonably likely to come in
26 contact with Dr. Kelly. Defendants willfully refused to notify, give adequate warning, or
27 implement appropriate safeguards, and that failure was willful, intentional, and in reckless
28 disregard for the Plaintiffs' respective rights and safety. That failure was the product of Defendant

1 USC's selfish desire to promote or preserve its own reputation and revenues without regard for the
2 Plaintiffs' rights, choices, and safety.

3 195. Plaintiffs are informed and believe and thereon allege that during Dr. Kelly's
4 employment with Defendant USC, Dr. Kelly discriminated against, sexually battered, abused,
5 harassed and engaged in other unlawful behavior with young male gay and bisexual students,
6 other than Plaintiffs, who saw Dr. Kelly for treatment, examinations, and/or consultations.
7 Plaintiffs are informed and believe and thereon allege that young male gay and bisexual students
8 other than Plaintiffs made complaints to USC regarding Dr. Kelly's misconduct, but USC failed to
9 take any action related to such complaints.

10 196. Plaintiffs are informed and believe and thereon allege that Defendant USC knew,
11 should have known, and/or were put on notice of Dr. Kelly's past sexual abuse and discrimination
12 toward young gay and bisexual male students, and USC intentionally failed to take any
13 appropriate action to protect gay and bisexual male students from unlawful behavior by Dr. Kelly
14 in order to protect the reputation and revenues of USC and to avoid legal liability.

15 197. Plaintiffs are further informed and believe and thereon allege that Defendant USC
16 concealed the fact that gay and bisexual male students had complained about Dr. Kelly in order to
17 protect the revenues and reputation of USC and to avoid legal liability.

18 198. Plaintiffs are informed and believe and thereon allege that Defendants failed to
19 implement reasonable safeguards to avoid acts of unlawful sexual misconduct and discrimination
20 by Dr. Kelly in the future, including avoiding placement of Dr. Kelly in a position where contact
21 and interaction with vulnerable patients and students is an inherent function.

22 199. Plaintiffs are informed and believe and thereon allege that Defendants failed to
23 adequately train and supervise all staff to create a positive and safe environment, specifically
24 including training to perceive, report, and stop inappropriate sexual misconduct and discrimination
25 by other members and staff. Plaintiffs are informed and believe and thereon allege that
26 Defendants failed to adopt and implement safety measures, policies, and procedures designed to
27 protect patients such as Plaintiffs from sexually exploitative and discriminatory acts by
28 Defendants' agents and employees.

1 200. Plaintiffs are informed and believe and thereon allege that Defendants USC and Dr.
2 Kelly entered into a conspiracy, the object of which was to conceal the fact that students and/or
3 Defendant USC employees had complained of sexually improper behavior and discriminatory
4 behavior by Dr. Kelly, to conceal the fact that Dr. Kelly had been known to sexually batter gay
5 and bisexual male patients, and to enable Dr. Kelly to continue practicing medicine without
6 restriction.

7 201. Plaintiffs are informed and believe and thereon allege that Defendants USC and Dr.
8 Kelly conspired to conceal Defendant USC's negligence in supervising Dr. Kelly and acted in
9 furtherance of that conspiracy. Plaintiffs are further informed and believe and thereon allege that
10 in furtherance of that conspiracy, Defendant USC and Dr. Kelly ensured that complaints of sexual
11 misconduct, suspected sexual misconduct, or discrimination by Dr. Kelly towards male gay and
12 bisexual patients were effectively ignored, inadequately investigated, or falsely found to be
13 without merit.

14 202. Plaintiffs are informed and believe and thereon allege that in furtherance of the
15 above conspiracy, rather than reporting Dr. Kelly to any legal authorities and/or the California
16 Medical Board, and/or the students and staff at USC, including Plaintiffs, Defendant USC sought
17 to preserve its reputation and ensure that USC's fundraising efforts were not adversely affected,
18 and actively concealed and allowed Dr. Kelly to continue his abuse, harassment, and
19 discrimination of young male gay and bisexual students at USC.

20 203. It was not until after media reports, including a publication by the Los Angeles
21 Times in May 2018 exposing USC's gynecologist Dr. George Tyndall of rampant sexual abuse of
22 female students for decades at USC, and USC's concealment and knowledge of such sexual abuse,
23 that Plaintiffs became aware that Dr. Kelly's behavior during their examinations was unlawful and
24 not for a legitimate medical purpose and that his actions during the examination were committed
25 to discriminate against them based on their sexual orientation and/or gender and/or for Dr. Kelly's
26 own prurient interests and sexual gratification.

27 204. Plaintiffs are informed and believe and thereon allege that Defendant USC engaged
28 in a pattern and practice of ignoring complaints, failing to investigate sexual abuse and

1 discrimination complaints, deliberately concealing information from victims, and contributed to a
2 sexually hostile and discriminatory environment on campus at USC. Plaintiffs are further
3 informed and believe and thereon allege that USC had and continues to have a pattern and practice
4 of putting their profits, reputation, and prospect of financial gain over the health, safety, and well-
5 being of its students. For example, according to media reports which emerged in or around the
6 summer of 2018, Plaintiffs are informed and believe and thereon allege that Defendant USC knew
7 of gynecologist Dr. George Tyndall's sexual abuse of female students since at least 1990 or 1991
8 when female patients, students, and USC employees complained about Dr. George Tyndall's
9 inappropriate sexual misconduct. Plaintiffs are informed and believe and thereon allege that
10 instead of informing students of Dr. George Tyndall's behavior, reporting him to the California
11 Medical Board, reporting him to legal authorities, or terminating his position at USC, USC
12 actively concealed Dr. George Tyndall's unlawful behavior, allowed Dr. George Tyndall to
13 continue treating patients for decades, and permitted Dr. George Tyndall to quietly resign his
14 position and paid him a generous monetary settlement in or about June 2017.

15 205. Plaintiffs are informed and believe and thereon allege that it was not until after such
16 media reports in or around May 2018 that Plaintiffs realized that USC similarly failed to take
17 appropriate action with respect to complaints regarding Dr. Kelly, failed to protect its students
18 from Dr. Kelly's conduct, allowed Dr. Kelly to continue treating patients for years, and actively
19 concealed complaints of Dr. Kelly's misconduct.

20 206. In subjecting Plaintiffs to the wrongful treatment described herein, Defendants Dr.
21 Kelly, USC, and Does 1 through 100 acted willfully and maliciously with the intent to harm
22 Plaintiffs and in conscious disregard of Plaintiffs' rights and safety so as to constitute malice
23 and/or oppression under Civil Code section 3294. Plaintiffs are informed and believe and thereon
24 allege that Defendants, under the authority as an educational institution and medical provider,
25 acted with reckless disregard for the concern of its student-patients in its charge in order to
26 maintain funding and further financially benefit its business's growth. Plaintiffs are further
27 informed and believe and thereon allege that Defendants acted intentionally in creating an
28 environment of sexual abuse and discrimination, in putting its vulnerable young students at risk of

1 harm, and in ignoring warning signs and complaints about ongoing sexual abuse and
2 discrimination, all to maintain a façade of normalcy in order to uphold its funding and provide
3 Defendants with further financial growth. The safety of the student-patients that were entrusted to
4 Defendants was compromised due to Defendants' desire to maintain the status quo and to continue
5 to enjoy the financial support of the alumni of USC and to avoid any public scrutiny. Plaintiffs are
6 thus informed and believe and thereon allege that these willful, malicious, and/or oppressive acts,
7 as alleged herein, were ratified by the officers, directors, and/or managing agents of the
8 Defendants, and Plaintiffs are therefore entitled to recover punitive damages in an amount to be
9 determined by proof against Defendants at trial.

10 207. As a direct result of the sexual abuse, harassment, and discrimination by Dr. Kelly,
11 and USC's pattern and practice of concealment, fraud, and endangerment of their student
12 population for the benefit of their own reputation and financial gain, Plaintiffs have had difficulty
13 in meaningfully interacting with others including family, friends, and partners, and those in
14 positions of authority over Plaintiffs including physicians, supervisors, and superiors at work. It
15 has further caused Plaintiffs to suffer special and general damages, including but not limited to
16 severe emotional distress, lack of trust, nervousness, anxiety, worry, mortification, humiliation,
17 embarrassment, depression, shame, sadness, anger and fear.

18 **FIRST CAUSE OF ACTION**
19 **Sexual Battery in Violation of Cal. Civ. Code § 1708.5**
20 **(Plaintiffs John Does 20-36 Against Defendant Dr. Kelly and Does 1 through 100)**

21 208. Plaintiffs re-allege and incorporate by reference all allegations set forth in the
22 preceding paragraphs as though fully set forth herein.

23 209. California Civil Code section 1708.5 provides: A person commits a sexual battery
24 who does any of the following: (1) acts with the intent to cause a harmful or offensive contact with
25 an intimate part of another, and a sexually offensive contact with that person directly or indirectly
26 results; (2) acts with the intent to cause a harmful or offensive contact with another by use of his
27 or her intimate part, and a sexually offensive contact with that person directly or indirectly results;
28 (3) acts to cause an imminent apprehension of the conduct described in paragraph (1) or (2) and a
sexually offensive contact with that person directly or indirectly results.

1 210. California Civil Code section 1708.5(d) defines “intimate part” as the sexual organ,
2 anus, groin, or buttocks of any person, or the breast of a female.

3 211. California Civil Code section 1708.5(f) defines “offensive contact” to mean contact
4 that offends a reasonable sense of personal dignity.

5 212. Plaintiffs allege that during Plaintiffs’ time as students with Defendant USC,
6 Defendant Dr. Kelly committed the act of civil sexual battery in violation of California Civil Code
7 section 1708.5 when he intentionally, recklessly, and wantonly did acts which intended to, and did
8 result in, harmful and offensive contact with intimate parts of Plaintiffs’ persons, including but not
9 limited to inappropriately probing, touching, fondling, and/or penetrating Plaintiffs’ anuses,
10 beginning in or around 2007 and lasting through the duration of Plaintiffs’ tenure with Defendants
11 USC to in and around 2014. Such contact offended Plaintiffs’ reasonable sense of personal
12 dignity.

13 213. As a direct and proximate result of Defendant Dr. Kelly’s unlawful conduct as
14 alleged herein, Plaintiffs have suffered and continue to suffer economic loss, emotional distress,
15 humiliation, embarrassment, anxiety, depression, shame, sadness, fear, anger, loss of self-esteem,
16 loss of enjoyment of life, and impairment of daily life activities, all in an amount exceeding the
17 jurisdictional limitations of the Superior Court and in an amount according to proof at trial.

18 214. The aforementioned conduct by Defendant Dr. Kelly was willful, wanton, and
19 malicious. At all relevant times herein, Dr. Kelly acted with conscious disregard of the Plaintiffs’
20 rights and feelings. Dr. Kelly also acted with the knowledge of or with reckless disregard for the
21 fact that his conduct was certain to cause injury and/or humiliation to Plaintiffs. Plaintiffs are
22 further informed and believe and thereon allege that Dr. Kelly intended to cause fear, physical
23 injury, humiliation, embarrassment and/or pain and suffering to the Plaintiffs. By virtue of the
24 foregoing, Plaintiffs are entitled to recover punitive damages from Dr. Kelly according to proof at
25 trial.

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SECOND CAUSE OF ACTION

Battery

(Plaintiffs John Does 20-36 Against Defendant Dr. Kelly and Does 1 through 100)

215. Plaintiffs re-allege and incorporate by reference all allegations set forth in the preceding paragraphs as though fully set forth herein.

216. In performing the acts described herein, Dr. Kelly acted with the intent to make a harmful and offensive contact with Plaintiff's person and did, in fact, bring himself into offensive and unwelcome contact with Plaintiffs ask described above.

217. At all relevant times, Plaintiffs found the contact by Dr. Kelly to be offensive to their person and dignity. At no time did Plaintiffs knowingly consent to any of the acts by Defendant Kelly as alleged herein.

218. As a result of Dr. Kelly's acts described above, Plaintiffs were harmed and/or offended by Dr. Kelly's conduct, and a reasonable person in Plaintiffs' situation would have been harmed and/or offended by the touching.

219. As a direct and proximate result of Defendant Dr. Kelly's unlawful conduct as alleged herein, Plaintiffs have suffered and continue to suffer economic loss, emotional distress, humiliation, embarrassment, anxiety, depression, shame, sadness, fear, anger, loss of self-esteem, loss of enjoyment of life, and impairment of daily life activities, all in an amount exceeding the jurisdictional limitations of the Superior Court and in an amount according to proof at trial.

220. The aforementioned conduct by Defendant Dr. Kelly was willful, wanton, and malicious. At all relevant times herein, Dr. Kelly acted with conscious disregard of the Plaintiffs' rights and feelings. Dr. Kelly also acted with the knowledge of or with reckless disregard for the fact that his conduct was certain to cause injury and/or harm to Plaintiffs. Plaintiffs are further informed and believe and thereon allege that Dr. Kelly intended to cause fear, physical injury, humiliation, embarrassment and/or pain and suffering to the Plaintiffs. By virtue of the foregoing, Plaintiffs are entitled to recover punitive damages from Dr. Kelly according to proof at trial.

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THIRD CAUSE OF ACTION
Gender Violence in Violation of Civil Code § 52.4
(Plaintiffs Against Defendant Dr. Kelly and Does 1 through 100)

221. Plaintiffs re-allege and incorporate by reference all allegations set forth in the preceding paragraphs as though fully set forth herein.

222. Dr. Kelly's acts committed against Plaintiffs, as alleged herein, including the sexual abuse, harassment, molestation and discrimination of Plaintiffs constitutes gender violence and a form of sex discrimination in that one or more of Dr. Kelly's acts would constitute a criminal offense under state law that has an element the use, attempted use, or threatened use of physical force against the person of another, committed at least in part based on the gender of the victim, whether or not those acts have resulted in criminal complaints, charges, prosecution or conviction.

223. Dr. Kelly's acts committed against Plaintiffs as alleged herein, including the sexual harassment, molestation, and abuse of the Plaintiffs constitutes gender violence and a form of sex discrimination in that Dr. Kelly's conduct caused a physical intrusion or physical invasion of a sexual nature upon Plaintiffs under coercive conditions, whether or not those acts have resulted in criminal complaints, charges, prosecution, or conviction.

224. As a direct and proximate result of Dr. Kelly's acts, Plaintiffs are entitled to actual damages, compensatory damages, punitive damages, injunctive relief, any combination of those, or any other appropriate relief. Plaintiffs are further entitled to attorney's fees and costs pursuant to Civil Code section 52.4, subsection (a).

FOURTH CAUSE OF ACTION
Sexual Harassment in Violation of Civil Code § 51.9
(Plaintiffs Against Defendant USC and Does 1 through 100)

225. Plaintiffs re-allege and incorporate by reference all allegations set forth in the preceding paragraphs as though fully set forth herein.

226. During Plaintiffs' time as students at Defendant USC and Does 1 through 100, Dr. Kelly intentionally, recklessly, and wantonly made sexual advances, requests, demands for sexual compliance, and verbal conduct of a hostile nature based in part on Plaintiffs' gender and/or sexual orientation that were unwelcome, pervasive, and severe, including but not limited to, Dr. Kelly

1 inappropriately probing, touching, fondling, and/or penetrating Plaintiffs' anuses, and/or
2 demanding answers to questions and making inappropriate comments that are invasive,
3 inappropriate, offensive, hostile as described above, all under the supervision of Defendants, who
4 were acting in the course and scope of their agency with Defendants and each of them.

5 227. The incidents of abuse outlined herein took place while Plaintiffs were under the
6 control of Dr. Kelly and Defendants USC and Does 1 through 100, in their capacity and position
7 as supervisors of physicians, medical professionals, and staff at USC and Does 1 through 100, and
8 while acting specifically on behalf of Defendants.

9 228. During Plaintiffs' time as students at Defendants USC and Does 1 through 100, Dr.
10 Kelly intentionally, recklessly, and wantonly did acts which resulted in harmful and offensive
11 contact with intimate parts of Plaintiffs' persons, including but not limited to, using his position of
12 authority and age to force Plaintiffs to give into Dr. Kelly's sexual suggestions.

13 229. Because of Plaintiffs' relationships with Dr. Kelly and Defendants USC and Does 1
14 through 100, Dr. Kelly's status as the only full-time men's sexual health physician employed by
15 Defendant USC's Student Health Center, and Plaintiffs' young age as students of USC, Plaintiffs
16 were unable to easily terminate the relationship they had with the Defendants.

17 230. Because of Dr. Kelly's age and position of authority, physical seclusion of the
18 Plaintiffs, Plaintiffs' mental and emotional state, and Plaintiffs' young age, Plaintiffs were unable
19 to and did not and could not give consent to such acts.

20 231. Even though Defendants knew or should have known of these activities by Dr.
21 Kelly, Defendants did nothing to investigate, supervise, or monitor Dr. Kelly to ensure the safety
22 of the student-patients in their charge.

23 232. A corporation is a "person" within the meaning of Civil Code section 51.9 which
24 subjects persons to liability for sexual harassment within the business, service or professional
25 relationship, and such an entity defendant may be held liable under this statute for the acts of its
26 employees. Further, principles of ratification apply when the principal ratifies the agent's
27 originally unauthorized harassment, as is alleged to have occurred herein.

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233. Defendants' conduct and the conduct of their agents was a breach of their duties to Plaintiffs.

234. As a direct and proximate result of Defendant Dr. Kelly's unlawful conduct as alleged herein, Plaintiffs have suffered and continue to suffer economic loss, emotional distress, humiliation, embarrassment, anxiety, depression, shame, sadness, fear, anger, loss of self-esteem, loss of enjoyment of life, and impairment of daily life activities, all in an amount exceeding the jurisdictional limitations of the Superior Court and in an amount according to proof at trial. Plaintiffs are entitled to actual damages, exemplary damages, civil penalties, attorney's fees and costs pursuant to Civil Code section 52 subsection (b), and any combination of those, or any other appropriate relief.

FIFTH CAUSE OF ACTION
Violation of the California Unruh Civil Rights Act, Civil Code § 51
(Plaintiffs Against All Defendants)

235. Plaintiffs re-allege and incorporate by reference all allegations set forth in the preceding paragraphs as though fully set forth herein.

236. The Plaintiffs' civil rights were violated by Defendants USC and Does 1 through 100 through its agents, actors, and employees, and intentionally concealed or ignored complaints of sexual abuse or harassment by Defendant Dr. Kelly. Plaintiffs had a right to be free from sexual orientation and gender discrimination, sexual abuse, molestation, and harassment under the Unruh Civil Rights Act.

237. Defendants USC, Dr. Kelly, and Does 1 through 100 were acting under the color of authority and in the scope of their employment during the instances when Plaintiffs were student-patients at USC.

238. Defendant USC denied Plaintiffs full and equal accommodations, advantages, facilities, privileges, and health care services because of their sexual orientation and gender by allowing Dr. Kelly unfettered access to sexually abuse, harass, and discriminate against Plaintiffs by and through his position of authority as the Student Health Center's only full-time men's sexual health physician with regular availability, by actively ignoring and concealing from Plaintiffs its knowledge that Dr. Kelly was discriminatory and a sexual predator.

1 239. By employing and retaining Dr. Kelly as the sole full-time men's health physician
2 with regular availability at its Student Health Clinic, despite its knowledge of Dr. Kelly's abusive
3 and discriminatory behavior, Defendant USC forced its male gay and bisexual patients to seek
4 necessary medical treatment from Dr. Kelly, thereby exposing Plaintiffs to Dr. Kelly's sexual
5 abuse and discrimination. Thus, Defendant USC's retention of Dr. Kelly denied Plaintiffs and all
6 of its other young male gay and bisexual students, of full and equal access to safe medical
7 facilities, treatment, and services based upon their sexual orientation and gender.

8 240. The substantial motivating reason for Defendants' conduct, including Defendant
9 USC's conduct of ignoring and actively concealing reports and complaints of Dr. Kelly's
10 misconduct, was Plaintiffs' sexual orientation and/or gender, as Defendants knew that its male
11 students, including male gay and bisexual students, would seek sexual health treatment from Dr.
12 Kelly and thus would be unwittingly subjected to his sexual misconduct and discrimination.

13 241. As a direct and proximate result of Defendant Dr. Kelly's unlawful conduct as
14 alleged herein, Plaintiffs have suffered and continue to suffer economic loss, emotional distress,
15 humiliation, embarrassment, anxiety, depression, shame, sadness, fear, anger, loss of self-esteem,
16 loss of enjoyment of life, and impairment of daily life activities, all in an amount exceeding the
17 jurisdictional limitations of the Superior Court and in an amount according to proof at trial.
18 Plaintiffs are further entitled to actual damages, statutory damages, and treble damages according
19 to proof. Plaintiffs are further entitled to attorney's fees pursuant to Civil Code section 52
20 subsection (a), or any other appropriate relief.

21 **SIXTH CAUSE OF ACTION**
22 **Violation of the Bane Act (Civil Code § 52.1)**
 (Plaintiffs Against All Defendants)

23 242. Plaintiffs re-allege and incorporate by reference all allegations set forth in the
24 preceding paragraphs as though fully set forth herein.

25 243. Defendants' actions as alleged herein have had and will continue to interfere with
26 Plaintiffs' right to be free from gender discrimination in the form of sexual harassment in an
27 educational and collegiate athletic setting, codified under 20 U.S.C., § 1681. Plaintiffs further had
28

1 a right to have Defendant USC respond immediately and investigate their sexual assault,
2 molestation, harassment, and discrimination by Dr. Kelly.

3 244. During Plaintiffs' time as students at Defendant USC, Defendants engaged in
4 oppressive and unlawful tactics in ignoring, concealing, and ultimately suppressing Plaintiffs'
5 complaints of being sexually abused and discriminated against by Dr. Kelly. Plaintiffs were
6 threatened, intimidated, and coerced from reporting Dr. Kelly's abusive conduct by Dr. Kelly's
7 own intimidating and humiliating conduct as well as the conspiratorial silence and inaction of
8 Defendant USC. These intentional acts of concealment of Dr. Kelly's abusive behavior violated
9 the Plaintiffs' right to be free from discrimination on the basis of gender and sexual orientation.

10 245. Furthermore, Plaintiffs were deprived of Due Process of the law when various
11 complaints to Defendant USC failed to trigger a report, investigation, or other action by Defendant
12 USC who was required to do so under its own policies and procedures, as well as under Federal
13 mandate and the Fourteenth Amendment. In addition, these actions were contrary to Plaintiffs'
14 civil rights guaranteed under the Constitution of the State of California.

15 246. Defendants' wrongful conduct was intended to, and did successfully interfere with,
16 Plaintiffs' Constitutional rights to be free from gender and sexual orientation discrimination and
17 harassment as well as interfered with their Due Process rights under the United States Constitution
18 and specifically the Fifth and Fourteenth Amendment.

19 247. Defendants unlawfully and wrongfully used or employed others to wrongfully use
20 threats, intimidation, harassment, violence, and coercion over Plaintiffs' person, to which
21 Plaintiffs had no relief except to submit to Defendants' wrongful threats, intimidations,
22 harassment, violence and coercion, which rendered Plaintiffs' submission involuntary.

23 248. Defendants' above-noted actions were the direct and proximate causes of physical,
24 psychological, emotional, and economic damages, and damages to the Plaintiffs, who have
25 suffered and continue to suffer to this date.

26 249. As a direct and proximate result of Defendant Dr. Kelly's unlawful conduct as
27 alleged herein, Plaintiffs have suffered and continue to suffer economic loss, emotional distress,
28 humiliation, embarrassment, anxiety, depression, shame, sadness, fear, anger, loss of self-esteem,

1 loss of enjoyment of life, and impairment of daily life activities, all in an amount exceeding the
2 jurisdictional limitations of the Superior Court and in an amount according to proof at trial.

3 250. The aforementioned conduct by Defendant Dr. Kelly was willful, wanton, and
4 malicious. At all relevant times herein, Dr. Kelly acted with conscious disregard of the Plaintiffs'
5 rights and feelings. Dr. Kelly also acted with the knowledge of or with reckless disregard for the
6 fact that his conduct was certain to cause injury and/or harm to Plaintiffs. Plaintiffs are further
7 informed and believe and thereon allege that Dr. Kelly intended to cause fear, physical injury,
8 humiliation, embarrassment and/or pain and suffering to the Plaintiffs. By virtue of the foregoing,
9 Plaintiffs are entitled to recover punitive damages from Dr. Kelly according to proof at trial.

10 251. In subjecting Plaintiffs to the treatment described herein, Defendants are entitled to
11 compensatory damages in a sum according to proof, emotional distress damages, punitive
12 damages attorney's fees, and other damages pursuant to Civil Code section 52 subsection (b) and a
13 temporary restraining order or a preliminary injunction or permanent injunction ordering
14 Defendants to refrain from conduct or activities as alleged herein, and other such relief as the
15 Court deems just and proper.

16 **SEVENTH CAUSE OF ACTION**
17 **Sexual Abuse and Discrimination in an Educational Setting (Education Code § 220)**
18 **(Plaintiffs Against All Defendants)**

19 252. Plaintiffs re-allege and incorporate by reference all allegations set forth in the
20 preceding paragraphs as though fully set forth herein.

21 253. Plaintiffs were harmed by being subjected to discrimination, abuse, molestation,
22 sexual assault, and/or sexual harassment at USC because of Plaintiffs' gender and sexual
23 orientation, and Defendants are responsible for that harm.

24 254. Plaintiffs suffered abuse, harassment, and discrimination that was so severe,
25 pervasive and offensive that it effectively deprived Plaintiffs of the right to equal access to
26 educational benefits and opportunities.

27 255. Defendants had actual and/or constructive knowledge of this sexual abuse and
28 discrimination because Defendant USC received and then ignored numerous complaints of Dr.
Kelly's abuse, discrimination, and/or harassment.

257. As a direct and proximate result of Dr. Kelly's unlawful conduct as alleged herein, Plaintiffs have suffered and continue to suffer economic loss, emotional distress, humiliation, embarrassment, anxiety, depression, shame, sadness, fear, anger, loss of self-esteem, loss of enjoyment of life, and impairment of daily life activities, all in an amount exceeding the jurisdictional limitations of the Superior Court and in an amount according to proof at trial.

258. The aforementioned conduct by Defendants was willful, wanton, and malicious. At all relevant times herein, Defendants acted with conscious disregard of the Plaintiffs' rights and feelings. Defendants also acted with the knowledge of or with reckless disregard for the fact that his conduct was certain to cause injury and/or harm to Plaintiffs. Plaintiffs are further informed and believe and thereon allege that Defendants intended to cause fear, physical injury, humiliation, embarrassment and/or pain and suffering to the Plaintiffs. By virtue of the foregoing, Plaintiffs are entitled to recover punitive damages from Defendants according to proof at trial.

EIGHTH CAUSE OF ACTION
Negligent Hiring and Retention
(Plaintiffs Against Defendant USC and Does 1 through 100)

259. Plaintiffs re-allege and incorporate by reference all allegations set forth in the preceding paragraphs as though fully set forth herein.

21 260. Defendant USC hired Dr. Kelly to be a men's healthy physician at its Student
22 Health Center.

261. Plaintiffs are informed and believe and thereon allege that Dr. Kelly was and/or became unfit and/or incompetent to perform work for which he was hired because of the sexual misconduct and discriminatory conduct he participated in towards young male gay and bisexual students. Plaintiffs are further informed and believe that Defendant USC learned that Dr. Kelly had been sexually harassing, discriminating against, and abusing young male gay and bisexual students and failed to take appropriate or corrective action. Plaintiffs are informed and believe

1 that had Defendant USC taken prompt and correct action against Dr. Kelly, that Plaintiffs would
2 not have been sexually battered, harassed, or discriminated against.

3 262. Defendants USC failed to use reasonable and ordinary care in order to avoid injury
4 to Plaintiffs. This includes but is not limited to, Defendants' failure to exercise a duty of care to
5 avoid Dr. Kelly's sexual battery, harassment, and discrimination of gay and bisexual male
6 patients, including Plaintiffs, causing them injury.

7 263. Plaintiffs are informed and believe and thereon allege that Defendant USC knew or
8 should have known that Plaintiffs were being subjected to unlawful battery and discrimination
9 based on complaints that had been made to USC and its agents, employees, and staff.

10 264. Plaintiffs are informed and allege that despite being informed of Dr. Kelly's
11 unlawful conduct, Defendant USC failed to discipline Dr. Kelly and kept him in their employ,
12 thereby ratifying his conduct.

13 265. The conduct of USC constitutes negligence and is actionable under the laws of the
14 State of California.

15 266. As a direct and proximate result of Defendants' conduct as alleged herein, Plaintiffs
16 have suffered and continue to suffer economic loss, emotional distress, humiliation,
17 embarrassment, anxiety, depression, shame, sadness, fear, anger, loss of self-esteem, loss of
18 enjoyment of life, and impairment of daily life activities, all in an amount exceeding the
19 jurisdictional limitations of the Superior Court and in an amount according to proof at trial.

20 267. The aforementioned conduct by Defendant USC was reckless and with conscious
21 disregard of the Plaintiffs' rights. Plaintiffs are therefore entitled to recover punitive damages
22 from USC in an amount according to proof at trial.

23 **NINTH CAUSE OF ACTION**

24 **Negligent Supervision**

25 **(Plaintiffs Against Defendant USC and Does 1 through 100)**

26 268. Plaintiffs re-allege and incorporate by reference all allegations set forth in the
27 preceding paragraphs as though fully set forth herein.

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269. Defendants had a duty to provide Plaintiffs with a men's sexual health physician who would provide each of them with a professional STD exam and advice, devoid of any sexually harassing, abusive, assaulting, or discriminatory conduct.

270. Defendants and each of them owed Plaintiffs a duty of care to act in a reasonable and ordinary manner so as not to cause Plaintiffs foreseeable harm.

271. Defendants failed to use ordinary and reasonable care in order to avoid injury to Plaintiffs. This includes but is not limited to, Defendants' failure to exercise ordinary care to avoid Dr. Kelly's sexual abuse and discrimination of male gay and bisexual students, including Plaintiffs.

272. Defendant USC knew or had reason to believe Dr. Kelly was engaged in sexual misconduct and discrimination against male gay and bisexual students because students complained to USC regarding Dr. Kelly's conduct, and USC knew or should have known that Dr. Kelly created a particular risk to students. Defendant USC did not act in a reasonable manner when it failed to take appropriate and corrective action and continued to employ Dr. Kelly as the only men's health physician at the Student Health Center.

273. Plaintiffs are informed and believe and thereon allege that despite being informed of Dr. Kelly's unlawful conduct, Defendant USC failed to discipline Dr. Kelly and kept him in their employ, thereby ratifying his unlawful conduct.

274. As a direct and proximate result of Defendants' conduct as alleged herein, Plaintiffs have suffered and continue to suffer economic loss, emotional distress, humiliation, embarrassment, anxiety, depression, shame, sadness, fear, anger, loss of self-esteem, loss of enjoyment of life, and impairment of daily life activities, all in an amount exceeding the jurisdictional limitations of the Superior Court and in an amount according to proof at trial.

275. The aforementioned conduct by Defendant USC was reckless and with conscious disregard of the Plaintiffs' rights. Plaintiffs are therefore entitled to recover punitive damages from USC in an amount according to proof at trial.

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TENTH CAUSE OF ACTION
Fraudulent Misrepresentation
(Plaintiffs Against Defendant USC and Does 1 through 100)

276. Plaintiffs re-allege and incorporate by reference all allegations set forth in the preceding paragraphs as though fully set forth herein.

277. By holding Dr. Kelly out as an agent of Defendants and by allowing him to undertake the care of young patients such as Plaintiffs, Defendants entered into a confidential, fiduciary, and special relationship with Plaintiffs. By holding themselves out as a preeminent collegiate facility, thereby enticing Plaintiffs to attend USC for undergraduate and graduate students, Defendants entered into a special and fiduciary relationship with Plaintiffs.

278. Defendant USC represented to Plaintiffs that Dr. Kelly was a safe, proper, professional physician, and that they would be receiving standard and appropriate men's sexual health examinations at USC, when in truth, Dr. Kelly was participating in misconduct and Plaintiffs were being abused, harassed, and discriminated against by Dr. Kelly.

279. Defendants' representation was false.

280. Defendants knew that the representation was false when made or Defendants made such a representation recklessly without regard for its truth.

281. Defendants intended that Plaintiffs rely on that representation, and Plaintiffs reasonably relied on Defendants' representation.

282. As a direct and proximate result of Defendants' unlawful conduct as alleged herein, Plaintiffs have suffered and continue to suffer economic loss, severe emotional distress, humiliation, embarrassment, anxiety, depression, shame, sadness, fear, anger, loss of self-esteem, loss of enjoyment of life, and impairment of daily life activities, all in an amount exceeding the jurisdictional limitations of the Superior Court and in an amount according to proof at trial.

283. Plaintiffs' reliance on Defendants' representation was a substantial factor in causing Plaintiffs' harm.

284. Defendants' conduct was reckless and with conscious disregard of Plaintiff's rights and safety. Plaintiffs are therefore entitled to an award of punitive damages against Defendants in an amount to be determined according to proof at trial.

ELEVENTH CAUSE OF ACTION
Fraudulent Concealment
(Plaintiffs Against Defendant USC and Does 1 through 100)

285. Plaintiffs re-allege and incorporate by reference all allegations set forth in the preceding paragraphs as though fully set forth herein.

286. By holding Dr. Kelly out as an agent of Defendants and by allowing him to undertake the care of young patients such as Plaintiffs, Defendants entered into a confidential, fiduciary, and special relationship with Plaintiffs. By holding themselves out as a preeminent collegiate facility, thereby enticing Plaintiffs to attend USC for undergraduate and graduate students, Defendants entered into a special and fiduciary relationship with Plaintiffs.

287. Defendant USC represented intentionally failed to disclose to Plaintiffs known facts or facts that could have been discovered by Defendants, including that USC had received complaints about Dr. Kelly's misconduct in the past, and that Dr. Kelly engaged in inappropriate, abusive, harassing, and discriminatory conduct towards the gay and bisexual male student population at USC. Furthermore, USC prevented Plaintiffs from discovering such facts by failing to take appropriate action with respect to complaints made regarding Dr. Kelly, including investigations or reporting to the State Medical Board, silencing its students and staff to protect its own reputation, and allowing Dr. Kelly to continue treating patients for years. USC's concealed this information with an intent to deceive Plaintiffs and other students at USC.

288. Plaintiffs were not aware of Dr. Kelly's discriminatory and abusive misconduct, and had they been aware, they would not have received medical treatment from Dr. Kelly nor subjected themselves to such harm.

289. As a direct and proximate result of USC's concealment, Plaintiffs were harmed and such concealment was a substantial factor in causing Plaintiffs' harm.

290. Defendants' conduct was reckless and with conscious disregard of Plaintiff's rights and safety. Plaintiffs are therefore entitled to an award of punitive damages against Defendants in an amount to be determined according to proof at trial.

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TWELFTH CAUSE OF ACTION

**Negligent Misrepresentation
(Plaintiffs Against Defendant USC and Does 1 through 100)**

291. Plaintiffs re-allege and incorporate by reference all allegations set forth in the preceding paragraphs as though fully set forth herein.

292. Defendant USC misrepresented that Dr. Kelly was a professional men's health physician, without reasonable ground for believing it to be true (insomuch as Defendants had been aware of Dr. Kelly's sexually inappropriate and discriminatory conduct) and with the intent to induce Plaintiffs' reliance on such misrepresentation.

293. Defendants represented to Plaintiffs that they were receiving a standard men's sexual health examination when in truth they were being sexually abused and discriminated against by Dr. Kelly.

294. Plaintiffs were ignorant of the truth and justifiably relied on Defendants' misrepresentation.

295. As a direct and proximate result of Defendants' unlawful conduct as alleged herein, Plaintiffs have suffered and continue to suffer economic loss, severe emotional distress, humiliation, embarrassment, anxiety, depression, shame, sadness, fear, anger, loss of self-esteem, loss of enjoyment of life, and impairment of daily life activities, all in an amount exceeding the jurisdictional limitations of the Superior Court and in an amount according to proof at trial.

**THIRTEENTH CAUSE OF ACTION
Intentional Infliction of Emotional Distress
(Plaintiffs Against All Defendants)**

296. Plaintiffs re-allege and incorporate by reference all allegations set forth in the preceding paragraphs as though fully set forth herein.

297. By engaging in the above-described conduct, including Dr. Kelly's pervasive sexual abuse and discrimination and USC's disregard for complaints regarding Dr. Kelly's misconduct and continued employ of Dr. Kelly, Defendants engaged in extreme and outrageous conduct with the intention of causing, or with reckless disregard of the probability of causing, emotional distress.

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299. The aforementioned conduct by Defendants was willful, wanton, and malicious. At all relevant times herein, Defendants acted with conscious disregard of the Plaintiffs' rights and feelings. Defendants also acted with the knowledge of or with reckless disregard for the fact that his conduct was certain to cause injury and/or harm to Plaintiffs. Plaintiffs are further informed and believe and thereon allege that Defendants intended to cause fear, physical injury, humiliation, embarrassment and/or pain and suffering to the Plaintiffs. By virtue of the foregoing, Plaintiffs are entitled to recover punitive damages from Defendants according to proof at trial.

Negligence

(Plaintiffs Against Defendants USC and Does 1 through 100)

300. Plaintiffs re-allege and incorporate by reference all allegations set forth in the preceding paragraphs as though fully set forth herein.

301. Prior to and after the first incident of Dr. Kelly's sexual harassment, abuse, and discrimination of Plaintiffs, through the present, Defendants, knew and/or should have known that Dr. Kelly had and was capable of sexually, physically, and mentally abusing, harassing, and discriminating against Plaintiffs or other victims.

302. Defendants and each of them had special duties to protect the Plaintiffs and other young student-patients, when such individuals were entrusted to Defendants' care. Plaintiffs' care, welfare and physical custody was entrusted to Defendants. Defendants voluntarily accepted the entrusted care of Plaintiffs. As such, Defendants owed Plaintiffs a special duty of care that adults and medical professionals dealing with vulnerable medical patients and young students owe to protect them from harm. The duty to protect and warn arose from the special, trusting, confidential, and fiduciary relationship between Defendants and Plaintiffs.

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1 303. Defendants breached their duties of care to the Plaintiffs by allowing Dr. Kelly to
2 come into contact with the Plaintiffs and other student-patients without effective supervision; by
3 failing to adequately hire and supervise Dr. Kelly and by continuing to retain Dr. Kelly whom they
4 permitted and enabled to have access to Plaintiffs; by concealing from Plaintiffs, the public and
5 law enforcement that Dr. Kelly was sexually abusing and discriminating against patients; and by
6 holding Dr. Kelly out to Plaintiffs as being of high moral and ethical repute, in good standing and
7 trustworthy.

8 304. Defendants breached their duties to Plaintiffs by failing to investigate or otherwise
9 confirm or deny such facts of sexual abuse and discrimination by Dr. Kelly, failing to reveal such
10 facts to Plaintiffs, the community and law enforcement agencies, and by placing Dr. Kelly into a
11 position of trust and authority, holding him out to Plaintiffs and the public as being in good
12 standing and trustworthy.

13 305. Defendants breached their duty to Plaintiffs by failing to adequately monitor and
14 supervise Dr. Kelly and by failing to prevent Dr. Kelly from discriminating against, and
15 committing wrongful acts with patients, including Plaintiffs. Because of students' complaints to
16 Defendants regarding Dr. Kelly's conduct, Defendants knew or should have known of Dr. Kelly's
17 incapacity to serve as a team physician, physician, and faculty member at Defendants' institutions,
18 providing for the physical care of young male gay and bisexual students.

19 306. As a direct and proximate result of Defendants' unlawful conduct as alleged herein,
20 Plaintiffs have suffered and continue to suffer severe emotional distress, including humiliation,
21 embarrassment, anxiety, depression, shame, sadness, fear, anger, loss of self-esteem, loss of
22 enjoyment of life, and impairment of daily life activities, all in an amount exceeding the
23 jurisdictional limitations of the Superior Court and in an amount according to proof at trial.

24 **FIFTEENTH CAUSE OF ACTION**
25 **Unfair Business Practices (Business & Professions Code § 17200)**
 (Plaintiffs Against All Defendants)

26 307. Plaintiffs re-allege and incorporate by reference all allegations set forth in the
27 preceding paragraphs as though fully set forth herein.

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1 308. Plaintiffs are informed and believe and thereon allege that Defendants have
2 engaged in unlawful, unfair and deceptive business practices including allowing Dr. Kelly to
3 engage in repeated abuse and discrimination of student-patients, including Plaintiffs, and failing to
4 take all reasonable steps to prevent discrimination and abuse from occurring. The unlawful, unfair
5 and deceptive business practices also included failing to adequately investigate, vet, and evaluate
6 individuals for employment with Defendants USC and Does 1 through 100, refusing to design,
7 implement, and oversee policies regarding sexual misconduct and discrimination of student-
8 patients in a reasonable manner that is customary in similar educational environments. Plaintiffs
9 are informed and believe and on that basis allege that Dr. Kelly and Defendants USC and Does 1
10 through 100 have engaged in unlawful, unfair and deceptive business practices including
11 concealing sexual abuse, harassment, and/or discrimination claims by student-patients, such as
12 Plaintiffs, so as to retain other similarly situated students and to not deter prospective students who
13 were not apprised of such illicit sexual misconduct and discrimination by Dr. Kelly.

14 309. Plaintiffs are informed and believes that Defendants engaged in a common scheme,
15 arrangement or plan to actively conceal allegations against sexual abusers who were employees,
16 agents, members, and/or participants at Defendants USC and Does 1 through 100, including Dr.
17 Kelly, such that Defendants USC and Does 1 through 100 could maintain their public image, and
18 avoid detection of such abuse and discrimination. Plaintiffs are informed and believe and thereon
19 allege that Defendants actively concealed these allegations, such that Defendants would be
20 insulated from public scrutiny, governmental oversight, and/or investigation from various law
21 enforcement agencies, all done in order to maintain the false sense of safety for participants and
22 their families and to perpetuate the program financially.

23 310. By engaging in unlawful, unfair and deceptive business practices, Dr. Kelly and
24 Defendants USC and Does 1 through 100 benefitted financially to the detriment of its competitors,
25 who had to comply with the law. Unless restrained, Defendants USC and Does 1 through 100 will
26 continue to engage in the unfair acts and business practices described above, resulting in great and
27 irreparable harm to Plaintiffs and/or other similarly situated participants and members.

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311. Plaintiffs seek restitution for all amounts improperly obtained by Dr. Kelly and Defendants USC and Does 1 through 100 through the use of the above-mentioned unlawful business practices, as well as the disgorgement of all ill-gotten gains and restitution on behalf of Plaintiffs and all other similarly situated student-patients who were also subjected to Dr. Kelly and Defendants USC and Does 1 through 100 illegal and unfair business practices.

312. Pursuant to section 17203 of the California Business and Professions Code and available equitable powers, Plaintiffs are entitled to a preliminary and permanent injunction, enjoining Dr. Kelly, Defendants USC and Does 1 through 100 from continuing the unlawful and unfair business practices described above. Further, Plaintiffs seek the appointment of a court monitor to enforce its orders regarding client safety. In addition, Plaintiffs are entitled to recover reasonable attorneys' fees pursuant to the California Business and Professions Code and section 1021.5 of the California Code of Civil Procedure.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray judgment be entered in their favor and against Defendants, and each of them, as follows:

1. For special damages in an amount according to proof;
2. For general damages in an amount according to proof;
3. For restitution of unjust revenue collected and costs incurred;
4. For exemplary and punitive damages pursuant to Civil Code section 3294 or as otherwise allowed by law;
5. For any appropriate statutory damages;
6. For reasonable attorney's fees;
7. For costs of suit incurred herein;
8. For declaratory and injunctive relief, including but not limited to court supervision of Defendant USC; and

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9. For such other and further relief as the Court deems just and proper

DATED: May 3, 2019

KELLOGG & VAN AKEN LLP

By Kelly D. Van Aken
Mikayla Gow Kellogg, Esq.
Kelly D. Van Aken, Esq.
Attorney for Plaintiffs